

109TH CONGRESS
2D SESSION

H. R. 5351

To amend Homeland Security Act of 2002 to establish a Directorate of Emergency Management, to codify certain existing functions of the Department of Homeland Security, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 11, 2006

Mr. REICHERT (for himself, Mr. PASCRELL, Mr. MCCAUL of Texas, Mr. ETHERIDGE, Mr. KING of New York, Mr. THOMPSON of Mississippi, Mr. SHAYS, Ms. LORETTA SANCHEZ of California, Mr. DANIEL E. LUNGREN of California, Ms. HARMAN, Mr. SIMMONS, Mrs. CHRISTENSEN, Mr. ROGERS of Alabama, Mr. LANGEVIN, Mr. PEARCE, Ms. GINNY BROWN-WAITE of Florida, Mr. BUTTERFIELD, Mr. ROGERS of Kentucky, Mr. SWEENEY, Mr. MCHENRY, Miss MCMORRIS, Mr. FORTENBERRY, Mr. SCHWARZ of Michigan, Mr. CARTER, and Mr. MEEK of Florida) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure, and in addition to the Committees on Homeland Security, and Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To amend Homeland Security Act of 2002 to establish a Directorate of Emergency Management, to codify certain existing functions of the Department of Homeland Security, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

2 (a) SHORT TITLE.—This Act may be cited as the
 3 “National Emergency Management Reform and Enhance-
 4 ment Act of 2006”.

5 (b) TABLE OF CONTENTS.—The table of contents for
 6 this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—EMERGENCY MANAGEMENT

- Sec. 101. Directorate of Emergency Management.
- Sec. 102. Gulf Coast Long-Term Recovery Office.
- Sec. 103. National Disaster Medical System.
- Sec. 104. Office of Interoperability and Compatibility.
- Sec. 105. Intelligence analysts.
- Sec. 106. Redesignation of Directorate for Information Analysis and Infrastruc-
 ture Protection.
- Sec. 107. National Academy of Public Administration study on implementation
 of organizational reforms.
- Sec. 108. GAO reports on an inventory and status of homeland security train-
 ing.
- Sec. 109. Definitions.
- Sec. 110. Conforming amendments.

TITLE II—FRAUD, WASTE, AND ABUSE PREVENTION

- Sec. 201. Fraud, waste, and abuse controls.
- Sec. 202. Assessment and report regarding utilization of Independent Private
 Sector Inspectors General.
- Sec. 203. Enhanced accountability for Federal assistance.
- Sec. 204. Enhanced information sharing among Federal agencies to prevent
 fraud, waste, and abuse.
- Sec. 205. Deputy Inspector General for Response and Recovery.
- Sec. 206. Protection of Department of Homeland Security official seal and in-
 signia.

7 **TITLE I—EMERGENCY**
 8 **MANAGEMENT**

9 **SEC. 101. DIRECTORATE OF EMERGENCY MANAGEMENT.**

10 (a) ESTABLISHMENT.—Title V of the Homeland Se-
 11 curity Act of 2002 (6 U.S.C. 311 et seq.) is amended to
 12 read as follows:

**“TITLE V—EMERGENCY
MANAGEMENT**

**“Subtitle A—Directorate of
Emergency Management**

“SEC. 501. DIRECTORATE OF EMERGENCY MANAGEMENT.

**“(a) UNDER SECRETARY FOR EMERGENCY MANAGE-
MENT.—**

“(1) IN GENERAL.—There is in the Department a Directorate of Emergency Management. The head of the Directorate is the Under Secretary for Emergency Management, who shall be appointed by the President, by and with the advice and consent of the Senate.

“(2) QUALIFICATIONS.—The individual appointed as Under Secretary shall possess a demonstrated ability in and knowledge of emergency management and homeland security.

“(3) RESPONSIBILITIES.—The Under Secretary shall assist the Secretary in discharging the responsibilities under section 502.

**“(b) DEPUTY UNDER SECRETARY FOR EMERGENCY
PREPAREDNESS AND MITIGATION.—**

“(1) IN GENERAL.—There is in the Department a Deputy Under Secretary for Emergency Preparedness and Mitigation, who shall be appointed by the

1 President, by and with the advice and consent of the
2 Senate.

3 “(2) QUALIFICATIONS.—The individual ap-
4 pointed as Deputy Under Secretary shall possess a
5 demonstrated ability in and knowledge of emergency
6 preparedness and mitigation.

7 “(3) RESPONSIBILITIES.—The Deputy Under
8 Secretary for Emergency Preparedness and Mitiga-
9 tion shall assist the Under Secretary for Emergency
10 Management in discharging the responsibilities of
11 the Under Secretary.

12 “(c) DEPUTY UNDER SECRETARY FOR EMERGENCY
13 RESPONSE AND RECOVERY.—

14 “(1) IN GENERAL.—There is in the Department
15 a Deputy Under Secretary for Emergency Response
16 and Recovery, who shall be appointed by the Presi-
17 dent, by and with the advice and consent of the Sen-
18 ate.

19 “(2) QUALIFICATIONS.—The individual ap-
20 pointed as Deputy Under Secretary shall possess a
21 demonstrated ability in and knowledge of emergency
22 response and recovery.

23 “(3) RESPONSIBILITIES.—The Deputy Under
24 Secretary for Emergency Response and Recovery
25 shall assist the Under Secretary for Emergency

1 Management in discharging the responsibilities of
2 the Under Secretary.

3 “(d) ASSISTANT SECRETARIES FOR EMERGENCY
4 MANAGEMENT.—There are in the Department the fol-
5 lowing Assistant Secretaries, who shall be appointed by
6 the President, by and with the advice and consent of the
7 Senate:

8 “(1) An Assistant Secretary for Grants and
9 Planning, who shall report directly to the Deputy
10 Under Secretary for Emergency Preparedness and
11 Mitigation.

12 “(2) An Assistant Secretary for Training and
13 Exercises, who shall report directly to the Deputy
14 Under Secretary for Emergency Preparedness and
15 Mitigation.

16 “(3) An Assistant Secretary for Emergency
17 Communications, who shall report directly to the
18 Under Secretary for Emergency Management.

19 “(4) An Assistant Secretary for Infrastructure
20 Protection, who shall report directly to the Under
21 Secretary for Emergency Management.

22 “(5) An Assistant Secretary for Cybersecurity
23 and Telecommunications, who shall report directly to
24 the Under Secretary for Emergency Management.

1 **“SEC. 502. RESPONSIBILITIES OF THE UNDER SECRETARY.**

2 “(a) RESPONSIBILITIES.—Subject to the direction
3 and control of the Secretary, the Under Secretary for
4 Emergency Management shall have the primary responsi-
5 bility within the executive branch of Government for pre-
6 paring for, mitigating against, responding to, and recov-
7 ering from acts of terrorism, natural disasters, and other
8 emergencies. Such responsibilities shall include the fol-
9 lowing:

10 “(1) Serving as the Secretary’s principal advi-
11 sor on emergency preparedness, mitigation, re-
12 sponse, and recovery issues.

13 “(2) Carrying out all functions and authorities
14 prescribed by the Robert T. Stafford Disaster Relief
15 and Emergency Assistance Act (42 U.S.C. 5121 et
16 seq.).

17 “(3) Coordinating the Federal response to acts
18 of terrorism, natural disasters, or other emergencies,
19 including coordination of—

20 “(A) the National Emergency Response
21 Team;

22 “(B) the deployment of the Strategic Na-
23 tional Stockpile;

24 “(C) the National Disaster Medical Sys-
25 tem;

1 “(D) the Nuclear Incident Response Team
2 (when operating as an organizational unit of
3 the Department pursuant to this title);

4 “(E) the Metropolitan Medical Response
5 System;

6 “(F) the Urban Search and Rescue Sys-
7 tem;

8 “(G) Federal Incident Response Support
9 Teams;

10 “(H) Management Support Teams; and

11 “(I) the Mobile Emergency Response Sys-
12 tem.

13 “(4) Overseeing and directing all of the activi-
14 ties of the Directorate.

15 “(5) Develop for each fiscal year, and submit
16 directly to the President, a prepared budget for the
17 Directorate.

18 “(6) Coordinating emergency preparedness,
19 mitigation, response, and recovery activities through-
20 out the Department.

21 “(7) Leading the development of an integrated
22 national emergency management system.

23 “(8) Coordinating preparedness, mitigation, re-
24 sponse, and recovery efforts at the Federal level.

1 “(9) Working with all State, local, tribal, and
2 private sector emergency response providers and
3 emergency response support providers on all matters
4 pertaining to acts of terrorism, natural disasters,
5 and other emergencies, including training, exercises,
6 and lessons learned.

7 “(10) Implementing national strategies and
8 policies in all matters pertaining to emergency man-
9 agement and the protection of critical infrastructure.

10 “(11) Establishing priorities for directing, fund-
11 ing, and conducting national preparedness programs,
12 activities, and services for preventing, protecting
13 against, mitigating against, responding to, and re-
14 covering from acts of terrorism, natural disasters,
15 and other emergencies.

16 “(12) Coordinating communications and sys-
17 tems of communications relating to homeland secu-
18 rity by and between all levels of government.

19 “(13) Directing and supervising homeland secu-
20 rity financial assistance awarded by the Department
21 to State, local, and tribal governments.

22 “(14) Serving as an advocate for emergency
23 preparedness across all government sectors, the pri-
24 vate sector, and the public.

1 “(15) Helping to ensure the acquisition of oper-
2 able and interoperable communications capabilities
3 by Federal, State, and local governments and emer-
4 gency response providers.

5 “(16) Aiding the recovery from acts of ter-
6 rorism, natural disasters, and other emergencies.

7 “(17) Minimizing, to the extent practicable,
8 overlapping planning and reporting requirements ap-
9 plicable to State, local, and tribal governments.

10 “(18) Performing such other duties relating to
11 such responsibilities as the Secretary may require.

12 “(b) FUNCTIONS TRANSFERRED.—

13 “(1) TRANSFER.—There are transferred to the
14 Under Secretary for Emergency Management—

15 “(A) the functions, personnel, assets, and
16 liabilities of the Federal Emergency Manage-
17 ment Agency; and

18 “(B) the functions, personnel, assets, and
19 liabilities of the Directorate of Preparedness.

20 “(2) RESPONSIBILITIES.—The Under Secretary
21 shall carry out the responsibilities of the Director of
22 the Federal Emergency Management Agency and
23 the responsibilities of the Under Secretary for Pre-
24 paredness.

1 “(c) PERFORMANCE OF PREVIOUSLY TRANSFERRED
2 FUNCTIONS.—The Secretary shall perform the functions
3 of the following entities through the Under Secretary for
4 Emergency Management:

5 “(1) The Integrated Hazard Information Sys-
6 tem (which the Secretary shall rename ‘FIRESAT’)
7 of the National Oceanic and Atmospheric Adminis-
8 tration.

9 “(2) The National Domestic Preparedness Of-
10 fice of the Federal Bureau of Investigation, includ-
11 ing the functions of the Attorney General relating
12 thereto.

13 “(3) The Domestic Emergency Response Teams
14 of the Department of Justice, including the func-
15 tions of the Attorney General relating thereto.

16 “(4) The Office of Emergency Preparedness,
17 the National Disaster Medical System, and the Met-
18 ropolitan Medical Response System of the Depart-
19 ment of Health and Human Services, including the
20 functions of the Secretary of Health and Human
21 Services and the Assistant Secretary for Public
22 Health Emergency Preparedness relating thereto.

23 “(5) The United States Fire Administration
24 and the United States Fire Academy.

1 “(d) REPROGRAMMING.—The Secretary may not re-
2 program any funds allocated to the Directorate of Emer-
3 gency Management without approval by the Congress.

4 “(e) SUFFICIENCY OF RESOURCES.—The Secretary
5 shall provide to the Under Secretary for Emergency Man-
6 agement the resources and staff necessary to carry out
7 the responsibilities of the Directorate of Emergency Man-
8 agement under this section.

9 **“SEC. 503. PRINCIPAL ADVISOR ON EMERGENCY MANAGE-**
10 **MENT.**

11 “(a) IN GENERAL.—The Under Secretary for Emer-
12 gency Management shall serve as the principal advisor to
13 the President for all matters pertaining to emergency
14 management in the United States.

15 “(b) CABINET STATUS.—During the effective period
16 of an Incident of National Significance declared by the
17 Secretary under the National Response Plan, the Under
18 Secretary for Emergency Management shall serve as a
19 Cabinet Officer for the duration of such Incident of Na-
20 tional Significance.

21 “(c) RETENTION OF AUTHORITY.—Nothing in this
22 section shall be construed as affecting the authority of the
23 Secretary under this Act.

1 **“SEC. 504. REGIONAL OFFICES.**

2 “(a) IN GENERAL.—In accordance with section 706,
3 there is in the Directorate a Regional Office of Emergency
4 Management for each region of the United States.

5 “(b) MANAGEMENT OF REGIONAL OFFICES.—

6 “(1) REGIONAL DIRECTOR.—Each Regional Of-
7 fice shall be headed by a Regional Director for
8 Emergency Management, who shall be appointed by
9 the Secretary, in consultation with State, local, and
10 tribal governments in the region. Except as provided
11 in subsection (c)(3), each Regional Director for
12 Emergency Management shall report directly to the
13 Under Secretary for Emergency Management.

14 “(2) DEPUTY REGIONAL DIRECTOR.—There
15 shall be in each Regional Office a Deputy Regional
16 Director for Emergency Management, who shall be
17 appointed by the Secretary, in consultation with
18 State, local, and tribal governments in the region.
19 The Deputy Regional Director for Emergency Man-
20 agement for a Regional Office shall report directly
21 to the Regional Director for Emergency Manage-
22 ment for that Regional Office.

23 “(3) QUALIFICATIONS.—Each individual ap-
24 pointed as Regional Director or Deputy Regional Di-
25 rector for Emergency Management must possess a
26 demonstrated ability in and knowledge of emergency

1 management and possess familiarity with the geo-
2 graphical area served by the Regional Office.

3 “(c) RESPONSIBILITIES.—

4 “(1) IN GENERAL.—Subject to the direction
5 and control of the Secretary and in consultation with
6 the Regional Advisory Council on Emergency Man-
7 agement under subsection (e), each Regional Direc-
8 tor for Emergency Management shall work in part-
9 nership with State, local, and tribal governments,
10 emergency managers, emergency response providers,
11 emergency response support providers, the private
12 sector, non-governmental organizations, multi-juris-
13 dictional councils of governments, and regional plan-
14 ning commissions and organizations in the geo-
15 graphical area served by the Regional Office to carry
16 out the responsibilities under this section.

17 “(2) ORDINARY RESPONSIBILITIES.—The ordi-
18 nary responsibilities of each Regional Director are as
19 follows:

20 “(A) Ensuring coordination and integra-
21 tion of regional preparedness, mitigation, re-
22 sponse, and recovery activities and programs,
23 including planning, training, exercises, and pro-
24 fessional development.

1 “(B) Participating in regional emergency
2 management activities.

3 “(C) Identifying critical gaps in prepared-
4 ness and reporting such gaps to the Assistant
5 Secretary for Grants and Planning.

6 “(D) Identifying critical gaps in critical in-
7 frastructure and reporting such gaps to the As-
8 sistant Secretary for Infrastructure Protection.

9 “(E) Organizing, in consultation with the
10 Assistant Secretary for Training and Exercises,
11 regional training and exercise programs.

12 “(F) Facilitating the dissemination and
13 implementation of lessons learned and best
14 practices.

15 “(G) Improving general information shar-
16 ing and other forms of coordination.

17 “(H) Encouraging, in coordination with
18 the Director of the Office of Public and Com-
19 munity Preparedness, public and community
20 preparedness efforts.

21 “(I) Assisting in the development of re-
22 gional capabilities needed for a national cata-
23 strophic response system.

24 “(J) Monitoring, in coordination with the
25 Assistant Secretary for Grants and Planning,

1 the use of Federal homeland security assistance
2 awarded by the Department to State, local, and
3 tribal governments.

4 “(K) Pre-identifying Joint Field Office lo-
5 cations in areas with large populations or in
6 areas at high risk to acts of terrorism, natural
7 disasters, or other emergencies.

8 “(L) Fostering the development of mutual
9 aid and other cooperative agreements pertaining
10 to emergency management.

11 “(M) Performing such other duties relating
12 to such responsibilities as the Secretary may re-
13 quire.

14 “(3) INCIDENTS OF NATIONAL SIGNIFICANCE.—

15 “(A) APPOINTMENT OF REGIONAL DIREC-
16 TOR AS PRINCIPAL FEDERAL OFFICIAL OR FED-
17 ERAL COORDINATING OFFICER.—During the ef-
18 fective period of an Incident of National Signifi-
19 cance declared by the Secretary under the Na-
20 tional Response Plan, if the Regional Director
21 is appointed Principal Federal Official or Fed-
22 eral Coordinating Officer, the Deputy Regional
23 Director shall assume the responsibilities of the
24 Regional Director during such incident.

1 “(B) RESPONSIBILITIES OF PRINCIPAL
2 FEDERAL OFFICIAL.—In addition to the respon-
3 sibilities of the Principal Federal Official under
4 the National Response Plan, such Official shall,
5 with respect to the Incident of National Signifi-
6 cance—

7 “(i) establish and direct a Joint Field
8 Office and any other coordination struc-
9 ture that is needed for such incident;

10 “(ii) possess the authority to make
11 any necessary operational decisions, in ac-
12 cordance with existing Federal law, with-
13 out obtaining approval from the Secretary;

14 “(iii) coordinate and direct, as appro-
15 priate, Federal response assets deployed
16 within the operational area;

17 “(iv) serve as the primary point of
18 contact between the Department, the De-
19 partment of Defense, and States for con-
20 tingency planning; and

21 “(v) act as the primary point of con-
22 tact and situational awareness locally for
23 the Secretary of Homeland Security.

24 “(d) TRAINING AND EXERCISE REQUIREMENTS.—

1 “(1) TRAINING.—The Secretary shall require
2 each Regional Director and Deputy Regional Direc-
3 tor for Emergency Management to complete Prin-
4 cipal Federal Officer training not later than 60 days
5 after the date on which the Regional Director or
6 Deputy Regional Director is appointed. In addition,
7 the Secretary shall require each Regional Director
8 and Deputy Regional Director to periodically, but
9 not less than annually, undergo specific training to
10 complement the qualifications of the Regional Direc-
11 tor or Deputy Regional Director. Such training shall
12 include training with respect to the National Inci-
13 dent Management System, the National Response
14 Plan, and such other subjects as determined by the
15 Secretary.

16 “(2) EXERCISES.—The Secretary shall require
17 each Regional Director and Deputy Regional Direc-
18 tor for Emergency Management to regularly partici-
19 pate in regional or national exercises.

20 “(e) REGIONAL ADVISORY COUNCILS ON EMER-
21 GENCY MANAGEMENT.—

22 “(1) ESTABLISHMENT.—There is in each Re-
23 gional Office a Regional Advisory Council on Emer-
24 gency Management. Each Advisory Council shall re-
25 port to the Regional Director of the Regional Office.

1 “(2) MEMBERSHIP.—

2 “(A) The Regional Director shall appoint
3 the following members to the Advisory Council
4 of that Regional Director’s Regional Office—

5 “(i) subject matter experts from
6 across the Federal Government, including
7 representatives from the Departments of
8 Defense, Energy, Health and Human Serv-
9 ices, and Transportation;

10 “(ii) subject matter experts from com-
11 ponents of the Directorate, including the
12 Offices of Grants and Planning, Training
13 and Exercises, Public and Community Pre-
14 paredness, Infrastructure Protection, Re-
15 sponse, and Recovery;

16 “(iii) subject matter experts from
17 other components of the Department, in-
18 cluding the Coast Guard, United States
19 Customs and Border Protection, Immigra-
20 tion and Customs Enforcement, the Trans-
21 portation Security Administration, and the
22 United States Secret Service;

23 “(iv) subject matter experts rep-
24 resenting emergency response providers

1 and emergency response support providers;

2 and

3 “(v) subject matter experts from the
4 private sector.

5 “(B) State, local, and tribal governments
6 within the geographic area served by the Re-
7 gional Office shall appoint officials, including
8 Adjutants General and emergency managers, as
9 members of the Advisory Council.

10 “(3) TERMS OF OFFICE.—

11 “(A) IN GENERAL.—The term of office of
12 each member of the Advisory Council shall be
13 3 years.

14 “(B) INITIAL APPOINTMENTS.—Of the
15 members initially appointed to the Advisory
16 Council—

17 “(i) one third shall be appointed for a
18 term of 1 year; and

19 “(ii) one third shall be appointed for
20 a term of 2 years.

21 “(4) CHAIR.—At the first meeting of the Advi-
22 sory Council, the members of the Advisory Council
23 appointed under paragraph (2) shall elect a chair of
24 the Advisory Council.

1 “(5) MEETINGS.—The Advisory Council shall
2 meet at least biennially at the call of the chair. Each
3 member shall be given appropriate notice of the call
4 of each meeting, whenever possible not less than 15
5 days before the meeting.

6 “(6) REGIONAL FACTORS.—The size and com-
7 position of each Advisory Council shall be deter-
8 mined by—

9 “(A) the size of the region associated with
10 the Advisory Council;

11 “(B) the propensity of that region to expe-
12 rience natural disasters and other emergencies;

13 “(C) the risk of acts of terrorism within
14 the region; and

15 “(D) State, local, and tribal preparedness,
16 as measured against the National Preparedness
17 Goal.

18 “(7) RESPONSIBILITIES.—The Advisory Council
19 shall carry out the following responsibilities:

20 “(A) Advise the Regional Director on
21 emergency management issues specific to that
22 region.

23 “(B) Identify any geographic, demo-
24 graphic, or other characteristics peculiar to any
25 State, local, or tribal government within the re-

1 gion that might make preparedness, mitigation,
2 response, or recovery more complicated or dif-
3 ficult.

4 “(C) Advise the Regional Director on de-
5 veloping a process of peer review for cata-
6 strophic emergency plans submitted under sec-
7 tion 524.

8 “(D) Advise the Regional Director of any
9 weaknesses or deficiencies in preparedness,
10 mitigation, response, and recovery for any
11 State, local, or tribal government within the re-
12 gion of which the Advisory Council is aware.

13 “(E) Provide recommendations on other
14 matters pertaining to emergency management.

15 “(F) Provide such advice as the Regional
16 Director requests.

17 “(f) COORDINATION.—Each Regional Director for
18 Emergency Management shall coordinate all activities con-
19 ducted under this section with other Federal departments
20 and agencies, and shall not have authority over other
21 agencies of the Department, including the Coast Guard,
22 the United States Customs and Border Protection, Immi-
23 gration and Customs Enforcement, the Transportation Se-
24 curity Administration, or the United States Secret Service.

25 “(g) RETENTION OF AUTHORITIES.—

1 “(1) FEDERAL COORDINATING OFFICER.—

2 Nothing in this section shall be construed as affect-
3 ing any authority of the Federal Coordinating Offi-
4 cer under the Robert T. Stafford Disaster Relief and
5 Emergency Assistance Act (42 U.S.C. 5201 et seq.).

6 “(2) STATE, LOCAL, AND TRIBAL GOVERN-
7 MENTS.—Nothing in this section shall be construed
8 as limiting the power of State, local, and tribal gov-
9 ernments.

10 “(h) DEADLINE AND USE OF EXISTING OFFICES.—

11 “(1) DEADLINE.—The Secretary shall establish
12 the Regional Offices required under this section not
13 later than one year after the date of the enactment
14 of National Emergency Management Reform and
15 Enhancement Act of 2006.

16 “(2) USE OF EXISTING FIELD OFFICES.—In es-
17 tablishing the Regional Offices required under this
18 section, the Secretary shall, to the extent prac-
19 ticable, co-locate and consolidate field offices of the
20 Department that are in existence as of the date of
21 the enactment of such Act and use the regional of-
22 fices of the Federal Emergency Management Agency
23 that are in existence as of that date as the founda-
24 tion for the Regional Offices required under this sec-
25 tion.

1 **“SEC. 505. CHIEF MEDICAL OFFICER.**

2 “(a) IN GENERAL.—There is in the Department a
3 Chief Medical Officer, who shall be appointed by the Presi-
4 dent, by and with the advice and consent of the Senate.
5 The Chief Medical Officer shall report directly to the
6 Under Secretary for Emergency Management.

7 “(b) RESPONSIBILITIES.—The Chief Medical Officer
8 shall have the primary responsibility within the Depart-
9 ment for medical issues related to acts of terrorism, nat-
10 ural disasters, and other emergencies, including the fol-
11 lowing:

12 “(1) Serving as the Secretary’s principal advi-
13 sor on medical and public health issues.

14 “(2) Coordinating the biosurveillance and detec-
15 tion activities of the Department.

16 “(3) Ensuring that decision support tools link
17 biosurveillance and detection information to near
18 real-time response actions at the State, local, and
19 tribal level.

20 “(4) Ensuring internal and external coordina-
21 tion of all medical preparedness and response activi-
22 ties of the Department, including training, exercises,
23 and equipment support.

24 “(5) Serving as the Department’s primary point
25 of contact with the Departments of Agriculture, De-
26 fense, Health and Human Services, Transportation,

1 and Veterans Affairs, and other Federal depart-
2 ments or agencies, on medical and public health
3 issues.

4 “(6) Serving as the Department’s primary point
5 of contact with respect to medical and public health
6 matters.

7 “(7) Discharging, in coordination with the
8 Under Secretary for Science and Technology, re-
9 sponsibilities of the Department related to Project
10 Bioshield.

11 “(8) Establishing doctrine and priorities for the
12 National Disaster Medical System and supervising
13 its medical components, consistent with the National
14 Response Plan and the National Incident Manage-
15 ment System.

16 “(9) Establishing doctrine and priorities for the
17 Metropolitan Medical Response System, consistent
18 with the National Response Plan and the National
19 Incident Management System.

20 “(10) Assessing and monitoring long-term
21 health issues of emergency response providers and
22 emergency response support providers.

23 “(11) Developing and updating guidelines for
24 State, local, and tribal governments for medical re-

1 sponse plans for chemical, biological, radiological,
2 nuclear, or explosive weapon attacks.

3 “(12) Identifying, in consultation with the Sec-
4 retary of Health and Human Services, appropriate
5 medical equipment and supplies for inclusion in the
6 force packages under the Prepositioned Equipment
7 Program under section 581.

8 “(13) Performing such other duties relating to
9 such responsibilities as the Secretary may require.

10 “(c) DEPUTY.—There is in the Department a Deputy
11 Chief Medical Officer, who shall be appointed by the Sec-
12 retary and who shall assist the Chief Medical Officer in
13 carrying out the responsibilities under subsection (b).

14 “(d) LONG-TERM HEALTH ASSESSMENT PRO-
15 GRAM.—

16 “(1) IN GENERAL.—The Chief Medical Officer,
17 in consultation with the Director of the National In-
18 stitute for Occupational Safety and Health, shall es-
19 tablish a program to assess, monitor, and study the
20 health and safety of emergency response providers
21 and emergency response support providers following
22 Incidents of National Significance declared by the
23 Secretary under the National Response Plan.

24 “(2) COOPERATIVE AGREEMENTS.—In carrying
25 out the program under this subsection, the Chief

1 Medical Officer shall enter into cooperative agree-
2 ments, as necessary, with medical institutions in the
3 areas affected by such Incidents of National Signifi-
4 cance.

5 **“SEC. 506. OFFICE OF STATE, LOCAL, AND TRIBAL GOVERN-**
6 **MENT COORDINATION.**

7 “(a) ESTABLISHMENT.—There is in the Directorate
8 of Emergency Management an Office of State, Local, and
9 Tribal Government Coordination to oversee and coordinate
10 programs of the Directorate for and relationships with na-
11 tional organizations representing State, local, and tribal
12 governments.

13 “(b) DIRECTOR.—The Office shall be headed by a Di-
14 rector, who shall be appointed by the Secretary.

15 “(c) RESPONSIBILITIES.—The Director of the Office
16 of State, Local, and Tribal Government Coordination
17 shall, in consultation with the Regional Directors for
18 Emergency Management appointed under section 504(b),
19 carry out the following responsibilities:

20 “(1) Coordinating the activities of the Direc-
21 torate relating to State, local, and tribal govern-
22 ment.

23 “(2) Assessing and advocating for the resources
24 needed by State, local, and tribal governments to
25 prevent, prepare for, respond to, mitigate against,

1 and recover from acts of terrorism, natural disas-
2 ters, and other emergencies.

3 “(3) Providing State, local, and tribal govern-
4 ments with regular information, research, and tech-
5 nical support to assist local efforts in securing the
6 homeland.

7 “(4) Developing a process for receiving mean-
8 ingful and timely consultation from State, local, and
9 tribal governments to assist in the development of
10 an integrated national emergency management sys-
11 tem.

12 “(5) Scheduling regular meetings with rep-
13 resentatives selected by State, local, and tribal gov-
14 ernments.

15 “(6) Ensuring the coordination of the planning
16 and reporting requirements imposed on State, local,
17 and tribal governments by the Directorate.

18 **“SEC. 507. OFFICE OF NATIONAL CAPITAL REGION COORDI-**
19 **NATION.**

20 “(a) ESTABLISHMENT.—

21 “(1) IN GENERAL.—There is in the Directorate
22 of Emergency Management the Office of National
23 Capital Region Coordination, to oversee and coordi-
24 nate Federal programs for and relationships with
25 State, local, and regional authorities in the National

1 Capital Region, as defined under section 2674(f)(2)
2 of title 10, United States Code.

3 “(2) DIRECTOR.—The Office shall be headed by
4 a Director, who shall be appointed by the Secretary.
5 The Director shall report directly to the Under Sec-
6 retary for Emergency Management.

7 “(3) COOPERATION.—The Secretary shall co-
8 operate with the Mayor of the District of Columbia,
9 the Governors of Maryland and Virginia, and other
10 State, local, and regional officers in the National
11 Capital Region to integrate the District of Columbia,
12 Maryland, and Virginia into the planning, coordina-
13 tion, and execution of the activities of the Federal
14 Government for the enhancement of domestic pre-
15 paredness for acts of terrorism, natural disasters,
16 and other emergencies.

17 “(b) RESPONSIBILITIES.—The Director of the Office
18 of National Capital Region Coordination shall carry out
19 the following responsibilities:

20 “(1) Overseeing and coordinating the activities
21 of the Department relating to the National Capital
22 Region, including cooperation with the Office for
23 State, Local, and Tribal Government Coordination.

24 “(2) Assessing and advocating for the resources
25 needed by State, local, and regional authorities in

1 the National Capital Region to implement efforts to
2 secure the homeland.

3 “(3) Providing State, local, and regional au-
4 thorities in the National Capital Region with regular
5 information, research, and technical support to as-
6 sist the efforts of State, local, and regional authori-
7 ties in the National Capital Region in securing the
8 homeland.

9 “(4) Developing a process for receiving mean-
10 ingful input from State, local, and regional authori-
11 ties and the private sector in the National Capital
12 Region to assist in the development of the homeland
13 security plans and activities of the Federal Govern-
14 ment.

15 “(5) Coordinating with Federal agencies in the
16 National Capital Region on emergency preparedness
17 to ensure adequate planning, information sharing,
18 training, and execution of the Federal role in domes-
19 tic preparedness activities.

20 “(6) Coordinating with Federal, State, local,
21 and regional agencies and private sector entities in
22 the National Capital Region on emergency prepared-
23 ness to ensure adequate planning, information shar-
24 ing, training, and execution of domestic prepared-
25 ness activities among such agencies and entities.

1 “(7) Serving as a liaison between the Federal
2 Government and State, local, and regional authori-
3 ties and private sector entities in the National Cap-
4 ital Region to facilitate access to Federal grants and
5 other programs.

6 “(c) ANNUAL REPORT.—The Director shall submit to
7 Congress an annual report that includes the following:

8 “(1) The identification of any resources re-
9 quired to fully implement homeland security efforts
10 in the National Capital Region.

11 “(2) An assessment of the progress made by
12 the National Capital Region in implementing home-
13 land security efforts.

14 “(3) The recommendations of the Director with
15 respect any additional resources needed to fully im-
16 plement homeland security efforts in the National
17 Capital Region.

18 “(d) LIMITATION.—Nothing in this section shall be
19 construed as limiting the power of any State, local, or trib-
20 al government.

21 **“SEC. 508. NATIONAL ADVISORY COUNCIL ON EMERGENCY**
22 **MANAGEMENT.**

23 “(a) ESTABLISHMENT.—Not later than 60 days after
24 the date of the enactment of this section, the Secretary
25 shall establish an advisory body pursuant to section

1 871(a), to be known as the National Advisory Council on
2 Emergency Management.

3 “(b) RESPONSIBILITIES.—The Advisory Council shall
4 assist the Secretary in implementing subsection (c).

5 “(c) REQUIREMENT TO REVIEW, REVISE, OR RE-
6 PLACE CERTAIN DOCUMENTS.—The Secretary shall peri-
7 odically, but not less than biennially, review, revise, or re-
8 place—

9 “(1) the National Response Plan;

10 “(2) the National Incident Management Sys-
11 tem;

12 “(3) the National Preparedness Guidance;

13 “(4) the National Preparedness Goal;

14 “(5) the Targeted Capabilities List;

15 “(6) the Universal Task List;

16 “(7) the National Infrastructure Protection
17 Plan;

18 “(8) the National Planning Scenarios;

19 “(9) any successor to any document under any
20 of paragraphs (1) through (8); and

21 “(10) any other national initiatives on acts of
22 terrorism, natural disasters, and other emergencies
23 that affects emergency response providers and emer-
24 gency response support providers as necessary.

25 “(d) REPORT.—

1 “(1) IN GENERAL.—Not later than 1 year after
2 the date on which the Advisory Council is estab-
3 lished under subsection (a), and not later than every
4 2 years thereafter, the Advisory Council shall submit
5 to the Secretary a report on the recommendations of
6 the Advisory Council for reviewing, revising, or re-
7 placing such national initiatives.

8 “(2) CONTENTS.—Each report shall—

9 “(A) include a priority ranking of essential
10 capabilities for emergency preparedness in
11 order to provide guidance to the Secretary and
12 to the Congress on determining the appropriate
13 allocation of, and funding levels for, the needs
14 of emergency response providers;

15 “(B) set forth a methodology by which any
16 State, local, or tribal government will be able to
17 determine the extent to which it possesses or
18 has access to the essential capabilities that
19 State, local, and tribal governments having
20 similar risks should obtain;

21 “(C) describe the availability of national
22 voluntary consensus standards, and whether
23 there is a need for new national voluntary con-
24 sensus standards, with respect to training and
25 equipment for emergency response providers;

1 “(D) include such additional matters as
2 the Secretary may specify in order to further
3 the emergency preparedness capabilities of
4 emergency response providers; and

5 “(E) include such revisions to the contents
6 of previous reports as are necessary to take into
7 account changes in the most current risk as-
8 sessment prepared by and available from the
9 Chief Intelligence Officer and the Assistant Sec-
10 retary for Infrastructure Protection or other
11 relevant information as determined by the Sec-
12 retary.

13 “(3) CONSISTENCY WITH FEDERAL WORKING
14 GROUP.—The Advisory Council shall ensure that its
15 recommendations for essential capabilities for emer-
16 gency preparedness are, to the extent feasible, con-
17 sistent with any preparedness goals or recommenda-
18 tions of the Federal working group established under
19 section 319F(a) of the Public Health Service Act
20 (42 U.S.C. 247d–6(a)).

21 “(e) MEMBERSHIP.—

22 “(1) IN GENERAL.—The Advisory Council shall
23 consist of 30 members appointed by the Secretary,
24 and shall, to the extent practicable, represent a geo-
25 graphic (including urban and rural) and substantive

1 cross section of emergency managers, emergency re-
2 sponse providers, and emergency response support
3 providers from State, local, and tribal governments,
4 including as appropriate—

5 “(A) members selected from the emergency
6 management and response fields, including fire
7 service, law enforcement, hazardous materials
8 response, emergency medical services, and
9 emergency management personnel;

10 “(B) health scientists, emergency and in-
11 patient medical providers, and public health
12 professionals, including—

13 “(i) experts in emergency health care
14 response to chemical, biological, radio-
15 logical, and nuclear terrorism;

16 “(ii) experts in providing mental
17 health care during emergency response op-
18 erations; and

19 “(iii) experts in stockpiling medical
20 equipment and supplies and medical logis-
21 tics;

22 “(C) experts from Federal, State, and local
23 governments, and the private sector, rep-
24 resenting standards-setting organizations, in-
25 cluding representation from the voluntary con-

1 sensus codes and standards development com-
2 munity, particularly those with expertise in the
3 emergency preparedness and response field;

4 “(D) State and local officials with exper-
5 tise in terrorism preparedness and emergency
6 management, including Adjutants General, sub-
7 ject to the condition that if any such official is
8 an elected official representing one of the two
9 major political parties, an equal number of
10 elected officials shall be selected from each such
11 party; and

12 “(E) members selected from the emergency
13 response support field, including public works,
14 utilities, and transportation personnel who are
15 routinely engaged in emergency response.

16 “(2) COORDINATION WITH THE DEPARTMENTS
17 OF HEALTH AND HUMAN SERVICES AND TRANSPOR-
18 TATION.—In the selection of members of the Advi-
19 sory Council who are health or emergency medical
20 services professionals, the Secretary shall coordinate
21 such selection with the Secretaries of Health and
22 Human Services and Transportation.

23 “(3) EX OFFICIO MEMBERS.—The Secretary
24 and the Secretary of Health and Human Services
25 shall each designate one or more officers of their re-

1 spective Department to serve as ex officio members
2 of the Advisory Council. One of the ex officio mem-
3 bers from the Department of Homeland Security
4 shall be the designated officer of the Federal Gov-
5 ernment for purposes of subsection (e) of section 10
6 of the Federal Advisory Committee Act (5 App.
7 U.S.C.).

8 “(4) TERMS OF OFFICE.—

9 “(A) IN GENERAL.—Except as provided in
10 subparagraph (B), the term of office of each
11 member of the Advisory Council shall be 3
12 years.

13 “(B) INITIAL APPOINTMENTS.—Of the
14 members initially appointed to the Advisory
15 Council——

16 “(i) one third shall be appointed for a
17 term of 1 year; and

18 “(ii) one third shall be appointed for
19 a term of 2 years.

20 “(f) APPLICABILITY OF FEDERAL ADVISORY COM-
21 MITTEE ACT.—

22 “(1) IN GENERAL.—Notwithstanding section
23 871(a) and subject to paragraph (2), the Federal
24 Advisory Committee Act (5 U.S.C. App.), including
25 subsections (a), (b), and (d) of section 10 of such

1 Act, and section 552b(c) of title 5, United States
2 Code, shall apply to the Advisory Council.

3 “(2) TERMINATION.—Section 14(a)(2)(B) of
4 the Federal Advisory Committee Act (5 U.S.C.
5 App.) shall not apply to the Advisory Council.

6 **“SEC. 509. REORGANIZATION OF DIRECTORATE.**

7 “The Secretary may not allocate or reallocate func-
8 tions among the officers of the Directorate of Emergency
9 Management or establish, consolidate, alter, or discontinue
10 organizational units within the Directorate of Emergency
11 Management under the authority of section 872 until the
12 date that is 120 days after the date on which the Secretary
13 submits to Congress a report describing the proposed allo-
14 cation, reallocation, establishment, consolidation, alter-
15 ation or discontinuance.

16 **“Subtitle B—Emergency**
17 **Preparedness**

18 **“SEC. 521. OFFICE OF GRANTS AND PLANNING.**

19 “(a) IN GENERAL.—There is in the Department an
20 Office of Grants and Planning under the authority of the
21 Under Secretary for Emergency Management.

22 “(b) ASSISTANT SECRETARY.—The head of the office
23 shall be the Assistant Secretary for Grants and Planning.

1 “(c) RESPONSIBILITIES.—The Assistant Secretary
2 for Grants and Planning shall carry out the following re-
3 sponsibilities:

4 “(1) Administering Department grant programs
5 that enhance the capacity of State, regional, local,
6 and tribal governments to prevent, prepare for, miti-
7 gate against, respond to, and recover from acts of
8 terrorism, natural disasters, and other emergencies.

9 “(2) Ensuring coordination of the homeland se-
10 curity assistance programs of the Federal Govern-
11 ment.

12 “(3) Establishing incentives for the efficient ad-
13 ministration of Federal homeland security assist-
14 ance.

15 “(4) Evaluating the effectiveness of funded De-
16 partment programs and disseminating lessons
17 learned, as appropriate.

18 “(5) Reviewing and revising, in consultation
19 with the NIC (as that term is used in section 541)
20 and the National Advisory Council on Emergency
21 Management, on a periodic basis, but not less than
22 biennially, preparedness documents and capabilities-
23 based planning tools, related to catastrophic acts of
24 terrorism, natural disasters, and other emergencies,
25 including—

1 “(A) the National Preparedness Goal;
2 “(B) the Targeted Capabilities List;
3 “(C) the Universal Task List;
4 “(D) the National Planning Scenarios; and
5 “(E) any other document or tool in sup-
6 port of Homeland Security Presidential Direc-
7 tive 8 or any other Homeland Security Presi-
8 dential Directive related to the national emer-
9 gency management system.

10 “(6) Establishing, in coordination with State,
11 local, and tribal governments, a clear and account-
12 able process for achieving, maintaining, and enhanc-
13 ing national preparedness for catastrophic acts of
14 terrorism, natural disasters, and other emergencies.

15 “(7) Providing technical assistance to State,
16 local, and tribal governments on catastrophic plan-
17 ning and preparedness.

18 “(8) Developing performance measures and
19 metrics for assessing national preparedness.

20 “(9) Assessing, on a periodic basis, but not less
21 than annually, the effectiveness of preparedness ca-
22 pabilities at the Federal, State, local, and tribal lev-
23 els.

24 “(10) Developing priorities for Federal home-
25 land security assistance to State, local, and tribal

1 governments on the basis of such periodic assess-
2 ments.

3 “(11) Implementing a shared resource planning
4 system to facilitate collaborative plan development.

5 “(12) Reviewing, in coordination with appro-
6 priate Federal departments and agencies, all Federal
7 preparedness activities.

8 “(13) Performing such other duties relating to
9 such responsibilities as the Secretary may require.

10 “(d) ANNUAL STATUS REPORTS.—Not later than 60
11 days after the last day of each fiscal year, the Secretary
12 shall provide to Congress a status report on the Nation’s
13 level of preparedness during that fiscal year, including
14 State, local, and tribal capabilities, the readiness of Fed-
15 eral response assets, the utilization of mutual aid, and an
16 assessment of how the Federal homeland security assist-
17 ance programs support the National Preparedness Goal.

18 **“SEC. 522. OFFICE OF TRAINING AND EXERCISES.**

19 “(a) IN GENERAL.—There is in the Department an
20 Office of Training and Exercises under the authority of
21 the Under Secretary for Emergency Management.

22 “(b) ASSISTANT SECRETARY.—The head of the office
23 shall be the Assistant Secretary for Training and Exer-
24 cises.

1 “(c) RESPONSIBILITIES.—The Assistant Secretary
2 for Training and Exercises shall—

3 “(1) establish specific requirements for training
4 programs and exercises for Federal, State, regional,
5 local, and tribal government officials, emergency re-
6 sponse providers, emergency response support pro-
7 viders, and other entities as appropriate;

8 “(2) design, develop, perform, and evaluate
9 training programs and exercises at all levels of gov-
10 ernment to enhance and test the Nation’s capability
11 to prevent, prepare for, mitigate against, respond to,
12 and recover from threatened or actual acts of ter-
13 rorism, natural disasters, and other emergencies;

14 “(3) establish common supporting methodology
15 for training programs and exercises;

16 “(4) define and implement performance meas-
17 ures for training programs and exercises;

18 “(5) coordinate the training and exercise activi-
19 ties of the Department;

20 “(6) serve as the primary point of contact in
21 the Department for homeland security training and
22 exercises for other Federal departments and agen-
23 cies;

1 “(7) identify, analyze, and monitor the imple-
2 mentation of best practices and lessons learned with
3 respect to training and exercises;

4 “(8) establish a comprehensive program for the
5 professional development and education of homeland
6 security personnel at all levels of government, non-
7 governmental organizations, and emergency manage-
8 ment personnel in the private sector; and

9 “(9) perform such other duties relating to such
10 responsibilities as the Secretary may require.

11 “(d) TRANSFER.—The Assistant Secretary for Train-
12 ing and Exercises shall have authority over the following:

13 “(1) The Noble Training Center.

14 “(2) The Center for Domestic Preparedness.

15 “(3) The National Emergency Training Center.

16 “(4) The National Exercise and Evaluation
17 Program.

18 “(e) NATIONAL EXERCISE PROGRAM.—

19 “(1) IN GENERAL.—The Secretary, acting
20 through the Assistant Secretary for Training and
21 Exercises, shall carry out a National Exercise Pro-
22 gram for the purpose of testing, evaluating, and en-
23 hancing the capabilities of Federal, State, regional,
24 local, and tribal government entities to prevent, pre-
25 pare for, respond to, mitigate against, and recover

1 from threatened or actual acts of terrorism, natural
2 disasters, and other emergencies.

3 “(2) CONTENTS OF PROGRAM.—The National
4 Exercise Program—

5 “(A) shall enhance coordination for pre-
6 paredness between all levels of government,
7 emergency response providers, emergency re-
8 sponse support providers, nongovernmental or-
9 ganizations, international governments and or-
10 ganizations, and the private sector;

11 “(B) shall be—

12 “(i) multi disciplinary in nature, in-
13 cluding, as appropriate, information anal-
14 ysis and cybersecurity components;

15 “(ii) as realistic as practicable and
16 based on current risk assessments, includ-
17 ing credible threats, vulnerabilities, and
18 consequences;

19 “(iii) carried out with the minimum
20 degree of notice to involved parties regard-
21 ing the timing and details of such exer-
22 cises, consistent with safety considerations;

23 “(iv) evaluated against performance
24 measures and followed by corrective action
25 to solve identified deficiencies; and

1 “(v) assessed to learn best practices,
2 which the Secretary shall share with ap-
3 propriate Federal, State, regional, local,
4 and tribal personnel, authorities, and
5 training institutions for emergency re-
6 sponse providers and emergency response
7 support providers; and

8 “(C) shall provide assistance to State, re-
9 gional, local, and tribal governments with the
10 design, implementation, and evaluation of exer-
11 cises that—

12 “(i) conform to the requirements
13 under subparagraph (B);

14 “(ii) are consistent with any applica-
15 ble State or urban area homeland security
16 strategy or plan;

17 “(iii) support implementation of—

18 “(I) the National Incident Man-
19 agement System;

20 “(II) the National Response
21 Plan;

22 “(III) the National Preparedness
23 Goal;

24 “(IV) the National Preparedness
25 Guidance;

1 “(V) the National Infrastructure
2 Protection Plan; and

3 “(VI) any other similar national
4 initiatives; and

5 “(iv) provide for systematic evaluation
6 of readiness.

7 “(3) NATIONAL LEVEL EXERCISES.—The Sec-
8 retary, acting through the Assistant Secretary for
9 Training and Exercises, shall periodically but not
10 less than biennially, perform national exercises for
11 the following purposes:

12 “(A) To involve in national exercises high-
13 ranking officials from—

14 “(i) Federal, State, local, tribal, and
15 international governments;

16 “(ii) nongovernmental organizations,
17 including faith-based organizations;

18 “(ii) the private sector; and

19 “(iv) others as the Secretary considers
20 appropriate.

21 “(B) To test and evaluate, in coordination
22 with the Attorney General and the Secretary of
23 Defense, the capability of Federal, State, local,
24 and tribal government entities to detect, dis-
25 rupt, and prevent threatened or actual cata-

1 strophic acts of terrorism, especially those in-
2 volving weapons of mass destruction;

3 “(C) To test and evaluate the readiness of
4 Federal, State, local, and tribal government en-
5 tities to respond in a coordinated and unified
6 manner to catastrophic acts of terrorism, nat-
7 ural disasters, and other emergencies; and

8 “(D) To test and evaluate the readiness of
9 Federal, State, local, and tribal government en-
10 tities to recover from catastrophic acts of ter-
11 rorism, natural disasters, and other emer-
12 gencies.

13 “(4) COORDINATION AND CONSULTATION.—In
14 carrying out the National Exercise Program, the
15 Secretary shall—

16 “(A) coordinate with—

17 “(i) components of the Department
18 that have expertise in exercises, including
19 the Coast Guard, the United States Secret
20 Service, United States Customs and Bor-
21 der Protection, and United States Immi-
22 gration and Customs Enforcement; and

23 “(ii) such other Federal departments
24 and agencies as the Secretary determines
25 are appropriate; and

1 “(B) consult regularly with—

2 “(i) a geographic and substantive
3 cross section of emergency response pro-
4 viders and emergency response support
5 providers (including such providers located
6 in both urban and rural areas);

7 “(ii) Federal, State, and local training
8 institutions for emergency response pro-
9 viders and emergency response support
10 providers; and

11 “(iii) State and local officials, includ-
12 ing Adjutant Generals, with expertise in
13 terrorism preparedness and emergency
14 management.

15 “(5) TOP OFFICIAL PREVENTION EXERCISES.—
16 No later than one year after the date of enactment
17 of the National Emergency Management Reform
18 and Enhancement Act of 2006, the Secretary, acting
19 through the Assistant Secretary for Training and
20 Exercises, shall establish a program through which
21 the Secretary carries out periodically but not less
22 than biennially a national terrorism prevention exer-
23 cise for the purposes of—

24 “(A) involving in national exercises high-
25 ranking officials from Federal, State, local,

1 tribal, and international governments, as the
2 Secretary considers appropriate; and

3 “(B) testing and evaluating, in coordina-
4 tion with the Attorney General and the Sec-
5 retary of Defense, the capability of Federal,
6 State, local, and tribal government entities to
7 detect, disrupt, and prevent threatened or ac-
8 tual catastrophic acts of terrorism.

9 “(6) NATIONAL EXERCISE STRATEGY.—The
10 Secretary, acting through the Assistant Secretary
11 for Training and Exercises, shall develop a multi-
12 year national homeland security exercise plan and
13 submit the plan to the Homeland Security Council
14 for review and approval.

15 “(f) NATIONAL TRAINING PROGRAM.—

16 “(1) IN GENERAL.—The Secretary, acting
17 through the Assistant Secretary for Training and
18 Exercises, shall carry out a National Training Pro-
19 gram for the purpose of enhancing the capabilities
20 of the Nation’s emergency response providers to pre-
21 vent, prepare for, respond to, mitigate against, and
22 recover from threatened or actual acts of terrorism,
23 natural disasters, and other emergencies.

24 “(2) REQUIREMENTS.—The National Training
25 Program shall provide training that—

1 “(A) reaches multiple disciplines, including
2 Federal, State, and local government officials,
3 emergency response providers, emergency re-
4 sponse support providers, the private sector,
5 international governments and organizations,
6 and other entities as the Secretary considers
7 appropriate;

8 “(B) provides training at the awareness,
9 performance, and management and planning
10 levels;

11 “(C) utilizes multiple training mediums
12 and methods, including—

13 “(i) direct delivery;

14 “(ii) train-the-trainer;

15 “(iii) computer-based training;

16 “(iv) web-based training; and

17 “(v) video teleconferencing;

18 “(D) is consistent with any applicable
19 State or urban area homeland security strategy
20 or plan;

21 “(E) is consistent with, and supports im-
22 plementation of, the National Incident Manage-
23 ment System, the National Response Plan, the
24 National Preparedness Goal, the National Pre-
25 paredness Guidance, the National Infrastruc-

1 ture Protection Plan, and other such national
2 initiatives;

3 “(F) is evaluated against clear and con-
4 sistent performance measures; and

5 “(G) to the greatest extent practicable, uti-
6 lizes State, regional, and tribal training institu-
7 tions.

8 “(3) NATIONAL VOLUNTARY CONSENSUS
9 STANDARDS.—The Secretary shall—

10 “(A) support the development, promulga-
11 tion, and regular updating as necessary of na-
12 tional voluntary consensus standards for train-
13 ing; and

14 “(B) ensure that the training provided
15 under the National Training Program is con-
16 sistent with such standards.

17 “(4) TRAINING PARTNERS.—In developing and
18 delivering training under the National Training Pro-
19 gram, the Secretary shall—

20 “(A) work with government training facili-
21 ties, academic institutions, private organiza-
22 tions, and other entities that provide special-
23 ized, state-of-the-art training for emergency re-
24 sponder providers or emergency response sup-
25 port providers; and

1 “(B) utilize, as appropriate, training
2 courses provided by community colleges, State
3 and local public safety academies, State and
4 private universities, and other facilities.

5 “(5) COORDINATION AND CONSULTATION.—In
6 carrying out the National Training Program, the
7 Secretary shall—

8 “(A) coordinate with—

9 “(i) components of the Department
10 that have expertise in training, including
11 the Coast Guard, the United States Secret
12 Service, the United States Fire Adminis-
13 tration, and the Federal Law Enforcement
14 Training Center; and

15 “(ii) such other Federal departments
16 and agencies as the Secretary determines
17 are appropriate; and

18 “(B) consult regularly with—

19 “(i) a geographic and substantive
20 cross section of emergency response pro-
21 viders and emergency response support
22 providers (including such providers located
23 in both urban and rural areas); and

24 “(ii) State and local officials, includ-
25 ing Adjutants General, with expertise in

1 terrorism preparedness and emergency
2 management.

3 “(g) REMEDIAL ACTION MANAGEMENT PROGRAM.—
4 The Secretary, acting through the Assistant Secretary for
5 Training and Exercises, shall establish a Remedial Action
6 Management Program to—

7 “(1) identify and analyze training, exercises,
8 and real-world events for lessons learned and best
9 practices;

10 “(2) generate after action reports for Incidents
11 of National Significance as declared by the Secretary
12 under the National Response Plan;

13 “(3) disseminate lessons learned and best prac-
14 tices;

15 “(4) monitor the implementation of lessons
16 learned and best practices;

17 “(5) conduct remedial action tracking and long-
18 term trend analysis; and

19 “(6) certify that—

20 “(A) recipients of Federal homeland secu-
21 rity assistance have implemented lessons
22 learned and best practices, as appropriate; and

23 “(B) ensure that no recipient uses any
24 Federal homeland security assistance without
25 such certification.

1 “(h) NATIONAL DOMESTIC PREPAREDNESS CONSOR-
2 TIUM.—There is in the Department a National Domestic
3 Preparedness Consortium that—

4 “(1) includes as members—

5 “(A) the Center for Domestic Prepared-
6 ness;

7 “(B) the New Mexico Institute of Mining
8 and Technology;

9 “(C) Louisiana State University;

10 “(D) Texas A&M University; and

11 “(E) the Nevada Test Site of the Depart-
12 ment of Energy.

13 “(2) identifies, develops, tests, and delivers
14 training to State, local, and tribal emergency re-
15 sponse providers;

16 “(3) provides on-site training at the perform-
17 ance and management and planning levels; and

18 “(4) facilitates the delivery of awareness level
19 training by the training partners of the Department.

20 “(i) NATIONAL EXERCISE SIMULATION CENTER.—
21 There is in the Department a National Exercise Simula-
22 tion Center that uses a mix of live, virtual, and construc-
23 tive simulations to—

1 “(1) prepare elected officials and emergency re-
2 sponse providers at all levels of Government to oper-
3 ate cohesively;

4 “(2) provide a learning environment for the
5 homeland security personnel of all Federal depart-
6 ments and agencies;

7 “(3) assist in the development of operational
8 procedures and exercises, particularly those based on
9 catastrophic incidents; and

10 “(4) allow incident commanders to exercise de-
11 cision-making in a simulated environment.

12 **“SEC. 523. ESSENTIAL CAPABILITIES.**

13 “(a) ESTABLISHMENT OF ESSENTIAL CAPABILI-
14 TIES.—

15 “(1) IN GENERAL.—Building upon the National
16 Preparedness Goal, the Secretary, acting through
17 the Assistant Secretary for Grants and Planning,
18 shall regularly update, revise, or replace essential ca-
19 pabilities for State, local, and tribal government
20 emergency preparedness, in consultation with the
21 following:

22 “(A) The National Advisory Council on
23 Emergency Management under section 508.

24 “(B) Components of the Department, in-
25 cluding the Under Secretary for Science and

1 Technology, the Chief Intelligence Officer, the
2 Director for Operations Coordination, the As-
3 sistant Secretary for Policy, the Assistant Sec-
4 retary for Transportation Security, the Assist-
5 ant Secretary for Infrastructure Protection, the
6 Assistant Secretary for Cybersecurity and Tele-
7 communications, the Commissioner of United
8 States Customs and Border Protection, and the
9 Commandant of the Coast Guard.

10 “(C) The Secretary of Health and Human
11 Services.

12 “(D) Other appropriate Federal depart-
13 ments and agencies.

14 “(E) State, local, and tribal emergency re-
15 sponse providers.

16 “(F) State, local, and tribal emergency re-
17 sponse support providers.

18 “(G) State, local, and tribal prevention and
19 emergency management officials, including Ad-
20 jutant Generals.

21 “(H) Consensus-based standardmaking or-
22 ganizations responsible for setting standards
23 relevant to emergency response providers and
24 emergency response support providers.

1 “(2) DEADLINES.—The Secretary shall update,
2 revise, or replace the essential capabilities under
3 paragraph (1) not later than 30 days after receiving
4 the report submitted by the National Advisory Coun-
5 cil on Emergency Management under section 508(d).

6 “(3) REPORT ON PROVISION OF ESSENTIAL CA-
7 PABILITIES.—The Secretary shall ensure that a re-
8 port containing a detailed description of the essential
9 capabilities is provided promptly to State and tribal
10 governments and to Congress. The States shall
11 make the description of the essential capabilities
12 available as appropriate to local governments within
13 their jurisdictions.

14 “(b) OBJECTIVES.—The Secretary shall ensure that
15 essential capabilities meet the following objectives:

16 “(1) Essential capabilities shall describe specifi-
17 cally the planning, personnel, equipment, training,
18 and exercises that State, local, or tribal governments
19 should possess or have access to for purposes of the
20 Department’s goals for emergency preparedness
21 based on—

22 “(A) the National Preparedness Goal and
23 supporting directives, policies, and guidelines;

24 “(B) the most current risk assessment
25 available from the Chief Intelligence Officer of

1 the threats of terrorism against the United
2 States;

3 “(C) the risks faced by different types of
4 communities, including communities of various
5 sizes, geographies, and other distinguishing
6 characteristics; and

7 “(D) the principles of regional coordination
8 and mutual aid among State, local, and tribal
9 governments.

10 “(2) Essential capabilities shall be sufficiently
11 flexible so as to allow State, local, and tribal govern-
12 ment officials to establish priorities based on local or
13 regional needs while reaching nationally determined
14 emergency preparedness levels within a specified
15 time period.

16 “(3) Essential capabilities shall be designed to
17 enable the measurement of progress toward specific
18 emergency preparedness goals.

19 “(c) FACTORS TO BE CONSIDERED.—

20 “(1) IN GENERAL.—In updating, revising, or
21 replacing essential capabilities for State, local, or
22 tribal governments under subsection (a)(1), the Sec-
23 retary specifically shall consider the variables of
24 threat, vulnerability, and consequences with respect
25 to population (including transient commuting and

1 tourist populations), areas of high population den-
2 sity, critical infrastructure, coastline, and inter-
3 national borders.

4 “(2) BASIS FOR CONSIDERATION.—Such con-
5 sideration shall be based upon the most current risk
6 assessment available from the Chief Intelligence Of-
7 ficer and the Assistant Secretary for Infrastructure
8 Protection of the threats of terrorism against the
9 United States and the needs described in the Na-
10 tional Preparedness Goal and the directives, policies,
11 and guidelines supporting the National Preparedness
12 Goal.

13 **“SEC. 524. CATASTROPHIC PLANNING.**

14 “(a) CATASTROPHIC EMERGENCY PLANS RE-
15 QUIRED.—The Secretary, acting through the Assistant
16 Secretary for Grants and Planning and in consultation
17 with the Assistant Secretary for Training and Exercises,
18 shall require any State or urban area that submits an ap-
19 plication to the Secretary for Federal homeland security
20 financial assistance administered by the Department to
21 maintain a catastrophic emergency plan to be imple-
22 mented in the event of an act of terrorism, natural dis-
23 aster, or other emergency. The Secretary shall require the
24 State or urban area to update, implement, and exercise
25 the catastrophic emergency plan as necessary.

1 “(b) REQUIREMENTS.—Each catastrophic emergency
2 plan required under this section, with respect to a State
3 or urban area, shall include—

4 “(1) evacuation and sheltering in place proce-
5 dures for the general population of the State or
6 urban area;

7 “(2) the procedures in place to address the pre-
8 positioning of food, medical and fuel supplies;

9 “(3) the evacuation and sheltering in place pro-
10 cedures for populations with special needs, including
11 persons with disabilities, health problems, language
12 barriers, and income barriers, the elderly, children,
13 and individuals with pets, service animals, or farm
14 animals;

15 “(4) sheltering options for displaced popu-
16 lations;

17 “(5) the augmentation of response resources;

18 “(6) regional planning, mutual aid agreements,
19 and requests for assistance that can meet urgent
20 needs;

21 “(7) the adequacy of delivery networks for crit-
22 ical services and supplies;

23 “(8) the degree to which the plan is mutually
24 supportive among contiguous jurisdictions and
25 States;

1 “(9) the use of all available and appropriate
2 transportation modes and resources, including the
3 identification of routes of egress and ingress, and
4 destinations;

5 “(10) the changes in authorities or regulations
6 which may be necessary for the plan to meet the de-
7 mands of a catastrophic event;

8 “(11) contingency plans for the survivability,
9 sustainability, and interoperability of emergency
10 communications systems;

11 “(12) procedures for disseminating timely and
12 accurate public alerts and warnings;

13 “(13) procedures and policies for the continuity
14 of operations for government and other essential
15 services; and

16 “(14) search and rescue procedures for popu-
17 lations with special needs, including persons with
18 disabilities, health problems, language barriers, and
19 income barriers, the elderly, children, and individ-
20 uals with pets, service animals, or farm animals.

21 “(c) CONSISTENCY.—A catastrophic emergency plan
22 required under this section shall be consistent with, and
23 support the implementation of—

24 “(1) any applicable State or urban area home-
25 land security strategy or plan; and

1 “(2) the National Incident Management Sys-
2 tem, the National Response Plan, the National Pre-
3 paredness Goal, the National Preparedness Guid-
4 ance, the National Infrastructure Protection Plan,
5 and other such national initiatives as may be deter-
6 mined by the Secretary.

7 “(d) PEER REVIEW CERTIFICATION.—

8 “(1) DEVELOPMENT OF REGIONAL PLANS.—
9 Each Regional Director for Emergency Management
10 under section 504, in coordination with the Assist-
11 ant Secretary for Grants and Planning, shall develop
12 a process of peer review for any catastrophic emer-
13 gency plan submitted under subsection (a) by a
14 State or urban area in the geographical area in
15 which the Regional Office directed by that Regional
16 Director for Emergency Management is located.

17 “(2) DEADLINE FOR SUBMISSION OF PLANS.—
18 Not later than one year after the date of the enact-
19 ment of the National Emergency Management Re-
20 form and Enhancement Act of 2006, each Regional
21 Director for Emergency Management shall submit a
22 plan to the National Advisory Council on Emergency
23 Management describing the peer review process de-
24 veloped by the Regional Director for Emergency
25 Management. The National Advisory Council on

1 Emergency Management shall review and approve or
2 disapprove each such plan.

3 “(e) REMEDIAL ACTION.—Not later than 90 days
4 after completion of exercises under subsection (a), the Sec-
5 retary, in consultation with the Assistant Secretary for
6 Training and Exercises, shall develop a lessons learned
7 and remedial action strategy for catastrophic planning.

8 “(f) CONSULTATION.—In developing the catastrophic
9 emergency plan required under this section, a State or
10 urban area shall consult with and seek appropriate com-
11 ments from—

12 “(1) local governments within the urban area or
13 State;

14 “(2) a geographic and substantive cross section
15 of emergency response providers and emergency re-
16 sponse support providers within the urban area or
17 State (including, in the case of a State, such pro-
18 viders from both urban and rural areas within the
19 State); and

20 “(3) locally-governed multi-jurisdictional coun-
21 cils of governments and regional planning commis-
22 sions responsible for implementing and coordinating
23 local emergency response plans.

1 **“SEC. 525. SYSTEM ASSESSMENT AND VALIDATION FOR**
2 **EMERGENCY RESPONDERS PROGRAM.**

3 “(a) IN GENERAL.—The Secretary, acting through
4 the Under Secretary for Emergency Management, shall
5 establish a System Assessment and Validation for Emer-
6 gency Responders Program to provide high quality, impar-
7 tial, and operationally relevant evaluations and validations
8 of critical emergency response provider-related equipment
9 and systems and provide such evaluations and validations
10 to emergency response providers in an operationally useful
11 form.

12 “(b) REQUIREMENTS.—The program established
13 under subsection (a) shall—

14 “(1) provide impartial, practitioner relevant,
15 and operationally oriented assessments and valida-
16 tions of emergency response provider equipment and
17 systems, including—

18 “(A) commercial, off-the-shelf emergency
19 response provider equipment and systems in all
20 equipment list categories of the Interagency
21 Board for Equipment Standardization and
22 Interoperability; and

23 “(B) such other equipment or systems as
24 the Secretary determines are appropriate.

25 “(2) provide information that enables decision-
26 makers and emergency response providers to better

1 select, procure, use, and maintain emergency re-
2 sponse provider equipment or systems;

3 “(3) assess and validate the performance of
4 products within a system and systems within sys-
5 tems; and

6 “(4) provide information and feedback to emer-
7 gency response providers through a well-maintained,
8 Internet-accessible database.

9 “(c) ASSESSMENT AND VALIDATION PROCESS.—The
10 assessment and validation of emergency response provider
11 equipment and systems shall utilize multiple evaluation
12 techniques, including

13 “(1) operational assessments of equipment per-
14 formance on vehicle platforms;

15 “(2) technical assessments on a comparative
16 basis of system component performance across
17 makes and models under controlled conditions; and

18 “(3) integrative assessments on an individual
19 basis of system component interoperability and com-
20 patibility with other system components.

21 **“SEC. 526. HOMELAND SECURITY EDUCATION PROGRAM.**

22 “(a) ESTABLISHMENT.—The Secretary, acting
23 through the Assistant Secretary for Training and Exer-
24 cises, shall establish a graduate-level Homeland Security
25 Education Program in the National Capital Region to pro-

1 vide educational opportunities to senior Federal officials
2 and selected State and local officials with homeland secu-
3 rity and emergency management responsibilities.

4 “(b) LEVERAGING OF EXISTING RESOURCES.—To
5 maximize efficiency and effectiveness in carrying out the
6 Program, the Secretary shall use existing Department-re-
7 viewed Master’s Degree curricula in homeland security, in-
8 cluding curricula pending accreditation, together with as-
9 sociated learning materials, quality assessment tools, dig-
10 ital libraries, exercise systems and other curriculum com-
11 ponents already being delivered by Federal, State, and pri-
12 vate universities and educational facilities, including the
13 National Domestic Preparedness Consortium.

14 “(c) STUDENT ENROLLMENT.—

15 “(1) SOURCES.—The student body of the Pro-
16 gram shall include officials from Federal, State, trib-
17 al, and local governments, and from other sources
18 designated by the Under Secretary for Emergency
19 Management.

20 “(2) ENROLLMENT PRIORITIES AND SELECTION
21 CRITERIA.—The Under Secretary for Emergency
22 Management shall establish policies governing stu-
23 dent enrollment priorities and selection criteria that
24 are consistent with the mission of the Program.

1 “(3) DIVERSITY.—The Secretary shall take rea-
2 sonable steps to ensure that the student body rep-
3 resents racial, gender, and ethnic diversity.

4 “(d) SERVICE COMMITMENT.—

5 “(1) IN GENERAL.—Before any employee se-
6 lected for the Program may be assigned to such edu-
7 cation, the employee shall agree in writing to—

8 “(A) continue in the service of the agency
9 sponsoring the employee during the two-year
10 period beginning on the date on which the em-
11 ployee completes the program, unless the em-
12 ployee is involuntarily separated from the serv-
13 ice of that agency for reasons other than reduc-
14 tion in force; and

15 “(B) pay to the Government the amount of
16 the additional expenses incurred by the Govern-
17 ment in connection with the employee’s edu-
18 cation if the employee is voluntarily separated
19 from the service to the agency before the end
20 of the period described in subparagraph (A).

21 “(2) PAYMENT OF EXPENSES.—

22 “(A) EXEMPTION.—An employee who
23 leaves the service of the sponsoring agency to
24 enter into the service of another agency in any
25 branch of the Government shall not be required

1 to make a payment under paragraph (1)(B),
2 unless the head of the agency that sponsored
3 the education of the employee notifies the em-
4 ployee before the date on which the employee
5 enters the service of the other agency that pay-
6 ment is be required under that paragraph.

7 “(B) AMOUNT OF PAYMENT.—If an em-
8 ployee is required to make a payment under
9 paragraph (1)(B), the agency that sponsored
10 the education of the employee shall determine
11 the amount of the payment, except that such
12 amount may not exceed the pro rata share of
13 the expenses incurred for the time remaining in
14 the two-year period.

15 “(3) RECOVERY OF PAYMENT.—If an employee
16 who is required to make a payment under this sub-
17 section does not make the payment, a sum equal to
18 the amount of the expenses incurred by the Govern-
19 ment for the education of that employee is recover-
20 able by the Government from the employee or his es-
21 tate by—

22 “(A) setoff against accrued pay, compensa-
23 tion, amount of retirement credit, or other
24 amount due the employee from the Government;
25 or

1 “(B) such other method as is provided by
2 law for the recovery of amounts owing to the
3 Government.

4 **“SEC. 527. OFFICE OF PUBLIC AND COMMUNITY PREPARED-**
5 **NESS.**

6 “(a) IN GENERAL.—There is in the Directorate of
7 Emergency Management an Office of Public and Commu-
8 nity Preparedness.

9 “(b) DIRECTOR.—The Office shall be headed by a Di-
10 rector, who shall be appointed by the Secretary. The Di-
11 rector shall report directly to the Assistant Secretary for
12 Grants and Planning.

13 “(c) COMPONENTS.—The Office of Public and Com-
14 munity Preparedness shall consist of the following:

15 “(1) The various component programs of the
16 Citizen Corps, including Community Emergency Re-
17 sponse Teams, Fire Corps, Volunteers in Police
18 Service, USA on Watch, and the Medical Reserve
19 Corps.

20 “(2) The Internet website known as Ready.gov
21 and the components of that website, including Ready
22 Businesses, Ready Kids, and Listo.

23 “(3) Such other duties relating to community,
24 public, and citizen preparedness as the Secretary
25 may provide.

1 “(d) RESPONSIBILITIES.—The Director of the Office
2 of Public and Community Preparedness, in coordination
3 with and support of the Regional Directors of Emergency
4 Management under section 504, shall have the primary
5 responsibility within the Department for assisting the ef-
6 forts of State, local, and tribal governments in preparing
7 citizens and communities in the United States for acts of
8 terrorism, natural disasters, and other emergencies, in-
9 cluding primary responsibility for each of the following:

10 “(1) Coordinating and supporting public and
11 community preparedness efforts at all levels of Gov-
12 ernment.

13 “(2) Serving as the principal advisor to the Sec-
14 retary on public and community preparedness issues.

15 “(3) Developing guidance on citizen prepared-
16 ness for grants to State, local, and tribal govern-
17 ments.

18 “(4) Providing, through the Regional Offices
19 under section 504, State, local, and tribal Citizen
20 Corps Councils with tools, information, and technical
21 assistance to connect local and national citizen pre-
22 paredness efforts.

23 “(5) Directing, managing, and implementing all
24 programs associated with the entities under sub-
25 section (c).

1 “(6) Establishing specialized preparedness pro-
2 grams for at-risk communities under subsection (e).

3 “(7) Ensuring coordination with private sector
4 entities, faith-based groups, other nongovernmental
5 organizations, special needs groups, emergency re-
6 sponse provider organizations, emergency response
7 support provider organizations, and international or-
8 ganizations, in order to promote citizen preparedness
9 and participation.

10 “(8) Developing a comprehensive program of
11 public service announcements for use on a national
12 basis or, in consultation with State, local, or tribal
13 governments, on a regional, State, or local basis.

14 “(9) Assisting in the implementation of national
15 strategies for public and community preparedness,
16 including the development of individual preparedness
17 skills and capabilities, including assembling pre-
18 paredness kits, developing emergency communica-
19 tions plans, training in basic first aid, and learning
20 how to react to a variety of emergencies.

21 “(e) AT-RISK COMMUNITIES.—In carrying out the
22 responsibilities under this section, the Director shall con-
23 sider the unique preparedness challenges faced by persons
24 with disabilities, health problems, language barriers, and

1 income barriers, the elderly, children, and individuals with
2 pets, service animals, or farm animals.

3 “(f) NATIONAL CITIZEN CORPS COUNCIL.—

4 “(1) IN GENERAL.—There is in the Directorate
5 a National Citizen Corps Council. The Under Sec-
6 retary for Emergency Management or a designee
7 shall serve as chair of the Council.

8 “(2) MEMBERSHIP.—The Council shall consist
9 of national leaders of organizations and associations
10 representing at risk communities described under
11 subsection (e), emergency response providers, emer-
12 gency response support providers, community and
13 volunteer service providers, government, and the pri-
14 vate sector.

15 “(3) RESPONSIBILITIES.—The responsibilities
16 of the Council are as follows:

17 “(A) To work together at the national level
18 and encourage members of the Council at the
19 State, local, and tribal level to collaborate in
20 support of the Citizen Corps.

21 “(B) To identify opportunities for Federal,
22 State, local, and tribal organizations to collabo-
23 rate to accomplish the shared goals of the Cit-
24 izen Corps programs.

1 “(C) To encourage the development and
2 support of local Citizen Corps Councils and to
3 advance the Citizen Corps mission across the
4 country.

5 “(D) To exchange facts and information
6 on programs to promote public awareness,
7 training, safety, and volunteer service opportu-
8 nities and on safety and preparedness messages
9 to be conveyed to the public.

10 “(E) To develop and disseminate messages
11 on safety and emergency preparedness that will
12 be effective in engaging communities and indi-
13 viduals in the Citizen Corps.

14 “(F) To serve as the catalyst for engaging
15 others within their areas of expertise to pro-
16 mote the Citizen Corps mission.

17 “(4) MEETINGS.—The Under Secretary for
18 Emergency Management or a designee shall convene
19 meetings of the National Citizen Corps Council at
20 the discretion of the Under Secretary or at the di-
21 rection of the Secretary.

22 “(g) COORDINATION.—The Director shall—

23 “(1) coordinate with other Federal entities, as
24 appropriate, including the Departments of Health
25 and Human Services, Justice, Commerce, and Edu-

1 cation, the Environmental Protection Agency, and
 2 the Corporation for National and Community Serv-
 3 ice, to enhance public and community preparedness;

4 “(2) coordinate with State, local, and tribal
 5 governments; and

6 “(3) subject to the availability of appropria-
 7 tions, make grants and enter into contracts and co-
 8 operative agreements with other Federal agencies
 9 and nongovernmental organizations, as may be nec-
 10 essary and proper to carry out the responsibilities of
 11 the Director under this section.

12 **“Subtitle C—Emergency Response**

13 **“SEC. 541. NATIONAL INCIDENT MANAGEMENT SYSTEM** 14 **AND NATIONAL RESPONSE PLAN INTEGRA-** 15 **TION CENTER.**

16 “(a) IN GENERAL.—There is in the Directorate of
 17 Emergency Management a National Incident Management
 18 System and National Response Plan Integration Center
 19 (referred to in this section as the ‘NIC’).

20 “(b) DIRECTOR.—The NIC shall be headed by a Di-
 21 rector, who shall be appointed by the Secretary. The Di-
 22 rector shall report directly to the Deputy Under Secretary
 23 for Response and Recovery.

24 “(c) RESPONSIBILITIES.—The Director, in consulta-
 25 tion with the Assistant Secretary for Grants and Planning

1 and the heads of other appropriate Federal departments
2 and agencies, and the National Advisory Council on Emer-
3 gency Management under section 508, shall establish a
4 mechanism for ensuring ongoing management and mainte-
5 nance of the National Incident Management System
6 (NIMS), the National Response Plan (NRP), any other
7 document or tool in support of Homeland Security Presi-
8 dential Directive 5, or any other Homeland Security Presi-
9 dential Directive related to incident management and re-
10 sponse. The responsibilities of the Director shall include
11 the following:

12 “(1) Revising, as appropriate, the NIMS and
13 the NRP not later than 90 days after the enactment
14 of this section with respect to—

15 “(A) clarifying the roles and responsibil-
16 ities of the Principal Federal Official, the Fed-
17 eral Coordinating Officer, the Federal Resource
18 Coordinator, and the Disaster Recovery Man-
19 ager;

20 “(B) developing procedures for the timely
21 activation of each such role;

22 “(C) establishing as part of the NRP an
23 emergency support function with respect to vol-
24 unteers and donations;

1 “(D) realigning the emergency support
2 functions of the NRP so as to be consistent
3 with the NIMS;

4 “(E) developing doctrine and procedures
5 relating to the management of acts of ter-
6 rorism, natural disasters, and other emergencies
7 affecting multiple State;

8 “(F) improving the utilization of Federal,
9 State, local, and tribal resources, including the
10 deployment of emergency response providers,
11 specialized equipment, and supplies;

12 “(G) finalizing and releasing the Cata-
13 strophic Incident Supplement to the NRP;

14 “(H) ensuring the effective use of emer-
15 gency response providers at emergency scenes;
16 and

17 “(I) reviewing other matters pertaining to
18 the NIMS and the NRP as the Secretary may
19 require.

20 “(2) Developing a national program for NIMS
21 and NRP education and awareness, including spe-
22 cific instruction on the purposes of the NIMS and
23 the NRP and responsibilities of the NIC.

24 “(3) Promoting the compatibility between na-
25 tional voluntary consensus standards for the NIMS

1 and the NRP and such standards developed by other
2 public, private, or professional groups.

3 “(4) Facilitating the development and publica-
4 tion of materials and standardized templates to sup-
5 port the implementation and continuous refinement
6 of the NIMS and the NRP.

7 “(5) Developing performance measures and as-
8 sessment criteria for the various components of the
9 NIMS and the NRP and compliance requirements
10 and compliance timelines for implementation by
11 Federal, State, local, and tribal entities.

12 “(6) Establishing a peer review process for
13 NIMS compliance certifications that verifies the sat-
14 isfaction of training, planning, exercising, and other
15 activities.

16 “(7) Defining, in consultation with the Assist-
17 ant Secretary for Training and Exercises, the gen-
18 eral training requirements and the national training
19 standards and course curricula associated with the
20 NIMS and the NRP.

21 “(8) Facilitating the development of national
22 voluntary consensus standards, guidelines, and pro-
23 tocols for incident management training and exer-
24 cises, including consideration of existing exercise and
25 training programs at all levels of government.

1 “(9) Facilitating the establishment and mainte-
2 nance of a publication management system for docu-
3 ments supporting the NIMS and the NRP and other
4 related publications and materials related to the
5 NIMS and the NRP, including the development or
6 coordination of general publications.

7 “(10) Reviewing and certifying, in coordination
8 with accrediting organizations and in consultation
9 with Federal, State, local, tribal, private-sector, and
10 nongovernmental entities, the discipline-specific pub-
11 lication management requirements submitted by pro-
12 fessional organizations and associations.

13 “(11) Facilitating the development and publica-
14 tion of national voluntary consensus standards,
15 guidelines, and protocols for the qualification and
16 certification of emergency response providers and in-
17 cident management personnel, as appropriate.

18 “(12) Reviewing and approving, in coordination
19 with appropriate national professional organizations
20 and with input from Federal, State, local, tribal, pri-
21 vate-sector, and other nongovernmental entities, the
22 discipline-specific qualification and certification re-
23 quirements submitted by emergency responder and
24 incident management organizations and associations.

1 “(13) Facilitating the establishment and main-
2 tenance of a documentation and database system re-
3 lated to qualification, certification, and credentialing
4 of incident management personnel and organiza-
5 tions, including reviewing and approving, in coordi-
6 nation with appropriate national professional organi-
7 zations and with input from the Federal, State,
8 local, tribal, private-sector and nongovernmental en-
9 tities, of the discipline-specific requirements sub-
10 mitted by functionally oriented incident management
11 organizations and associations.

12 “(14) Establishing a data maintenance system
13 to provide incident managers with the detailed quali-
14 fication, experience, and training information needed
15 to credential personnel for prescribed national inci-
16 dent management positions.

17 “(15) Coordinating minimum professional cer-
18 tification standards and facilitation of the design
19 and implementation of a credentialing system that
20 can be used nationwide.

21 “(16) Facilitating the development and issuance
22 of national standards for the typing of resources.

23 “(17) Facilitating the definition and mainte-
24 nance of the information framework required to
25 guide the development of NIMS information sys-

1 tems, including the development of data standards
2 for—

3 “(A) incident notification and situation re-
4 ports;

5 “(B) status reporting;

6 “(C) analytical data;

7 “(D) geospatial information;

8 “(E) wireless communications;

9 “(F) identification and authentication; and

10 “(G) incident reports, including lessons
11 learned reports.

12 “(18) Performing such other duties relating to
13 such responsibilities as the Secretary may require.

14 **“SEC. 542. USE OF NATIONAL PRIVATE SECTOR NETWORKS**
15 **IN EMERGENCY RESPONSE.**

16 “To the maximum extent practicable, the Secretary,
17 acting through the Under Secretary for Emergency Man-
18 agement, shall use national private sector networks and
19 infrastructure for emergency response to acts of terrorism,
20 natural disasters, and other emergencies.

21 **“SEC. 543. NUCLEAR INCIDENT RESPONSE.**

22 “(a) NUCLEAR INCIDENT RESPONSE TEAM.—In con-
23 nection with actual or threatened acts of terrorism, nat-
24 ural disasters, or other emergencies in the United
25 States—

1 “(1) the Nuclear Incident Response Team shall
2 operate as an organizational unit of the Department;
3 and

4 “(2) while so operating, the Secretary shall
5 have direction, authority, and control of the Nuclear
6 Incident Response Team.

7 “(b) RESPONSIBILITIES.—In addition to the author-
8 ity under subsection (a), the Secretary, acting through the
9 Under Secretary for Emergency Management, shall at all
10 times carry out the following responsibilities:

11 “(1) Establishing standards for performance of
12 the Nuclear Incident Response Team and, when
13 such standards have been met, certifying that they
14 have been met.

15 “(2) Conducting joint and other exercises and
16 training and evaluating performance.

17 “(3) Providing funds to the Department of En-
18 ergy and the Environmental Protection Agency, as
19 appropriate, for homeland security planning, exer-
20 cises and training, and equipment.

21 “(c) RULE OF CONSTRUCTION.—Nothing in this sec-
22 tion shall be construed to limit the responsibility of the
23 Secretary of Energy and the Administrator of the Envi-
24 ronmental Protection Agency for organizing, training,
25 equipping, and utilizing their respective entities that par-

1 ticipate in the Nuclear Incident Response Team, or (sub-
 2 ject this section) from exercising direction, authority, and
 3 control over such entities when they are not operating as
 4 a unit of the Department.

5 “(d) DEFINITION.—In this section, the term ‘Nuclear
 6 Incident Response Team’ means a resource that in-
 7 cludes—

8 “(1) those entities of the Department of Energy
 9 that perform nuclear or radiological emergency sup-
 10 port functions (including accident response, search
 11 response, advisory, and technical operations func-
 12 tions), radiation exposure functions at the medical
 13 assistance facility known as the Radiation Emer-
 14 gency Assistance Center/Training Site (REAC/TS),
 15 radiological assistance functions, and related func-
 16 tions; and

17 “(2) those entities of the Environmental Protec-
 18 tion Agency that perform such support functions (in-
 19 cluding radiological emergency response functions)
 20 and related functions.

21 **“SEC. 544. NATIONAL URBAN SEARCH AND RESCUE RE-**
 22 **SPONSE SYSTEM.**

23 “(a) NATIONAL URBAN SEARCH AND RESCUE RE-
 24 SPONSE SYSTEM.—There is in the Directorate of Emer-
 25 gency Management an emergency response system known

1 as the National Urban Search and Rescue Response Sys-
2 tem that provides a national network of standardized
3 search and rescue resources to assist State, local, and trib-
4 al governments in responding to acts of terrorism, natural
5 disasters, and other emergencies.

6 “(b) ADMINISTRATION OF THE SYSTEM.—

7 “(1) TASK FORCE PARTICIPATION.—The Under
8 Secretary for Emergency Management shall select
9 eligible urban search and rescue teams that are
10 sponsored by State and local government entities to
11 participate as task forces in the System. The Under
12 Secretary shall determine the criteria for such par-
13 ticipation.

14 “(2) AGREEMENTS WITH SPONSORING AGEN-
15 CIES.—The Under Secretary shall enter into an
16 agreement with the State or local government entity
17 that sponsors each search and rescue team selected
18 under paragraph (1) with respect the team’s partici-
19 pation as a task force in the System.

20 “(3) URBAN SEARCH AND RESCUE TEAM PER-
21 SONNEL.—Personnel of an urban search and rescue
22 team that participates as a task force under this sec-
23 tion may be—

24 “(A) personnel of the State or local gov-
25 ernment sponsor; or

1 “(B) personnel of any other Federal,
2 State, or local government entity that enters
3 into a participation agency agreement with the
4 State or local government sponsor of the team.

5 “(4) MANAGEMENT AND TECHNICAL TEAMS.—
6 The Under Secretary shall maintain such manage-
7 ment and other technical teams as are necessary to
8 administer the System.

9 “(c) ADVISORY COMMITTEE.—
10 “(1) IN GENERAL.—The Under Secretary shall
11 establish and maintain an advisory committee to
12 provide expert recommendations to the Under Sec-
13 retary with respect to administering the System.

14 “(2) COMPOSITION.—The advisory committee
15 shall be geographically diverse, and shall include, at
16 a minimum—

17 “(A) the chief officer or senior executive
18 from each of at least three State or local gov-
19 ernments that sponsor urban search and rescue
20 teams selected to participate in the System as
21 task forces;

22 “(B) the senior emergency manager from
23 each of at least two States in which such local
24 governments are located; and

1 “(C) at least one representative selected by
2 the leaders of the task forces.

3 “(3) TERMINATION.—The advisory committee
4 shall terminate on the date that is two years after
5 the date of the enactment of the National Emer-
6 gency Management Reform and Enhancement Act of
7 2006.

8 **“SEC. 545. METROPOLITAN MEDICAL RESPONSE SYSTEM.**

9 “(a) IN GENERAL.—There is in the Department a
10 Metropolitan Medical Response System. Under the Sys-
11 tem, the Assistant Secretary for Grants and Planning
12 shall administer grants to develop, maintain, and enhance
13 medical preparedness systems that are capable of respond-
14 ing effectively during the initial hours of a public health
15 crisis or mass-casualty event caused by an act of ter-
16 rorism, natural disaster, or other emergency.

17 “(b) USE OF FUNDS.—The Metropolitan Medical Re-
18 sponse System shall make grants to local governments to
19 enhance any of the following activities:

20 “(1) Medical surge capacity.

21 “(2) Mass prophylaxis.

22 “(3) Chemical, biological, radiological, nuclear,
23 and explosive detection, response, and decontamina-
24 tion capabilities.

25 “(4) Emergency communications capabilities.

1 “(5) Information sharing and collaboration ca-
2 pabilities.

3 “(6) Regional collaboration.

4 “(7) Triage and pre-hospital treatment.

5 “(8) Medical supply management and distribu-
6 tion.

7 “(9) Fatality management.

8 “(10) Such other activities as the Secretary
9 may provide.

10 “(c) AUTHORIZATION OF APPROPRIATIONS.—There
11 are authorized to be appropriated such sums as may be
12 necessary for each of the fiscal years 2007 through 2010.

13 **“SEC. 546. EMERGENCY MANAGEMENT ASSISTANCE COM-**
14 **PACT AUTHORIZATION.**

15 “(a) IN GENERAL.—The Secretary, acting through
16 the Under Secretary for Emergency Management, may
17 make grants for the purposes of administering the Emer-
18 gency Management Assistance Compact consented to by
19 Public Law 104–321.

20 “(b) USES.—A grant under this section shall be
21 used—

22 “(1) to carry out recommendations identified in
23 after-action reports for the 2004 and 2005 hurricane
24 season issued under the Emergency Management
25 Assistance Compact;

1 “(2) to coordinate with the Department and
2 other Federal Government agencies; or

3 “(3) to coordinate with State and local govern-
4 ment entities and their respective national associa-
5 tions.

6 “(c) AUTHORIZATION OF APPROPRIATIONS.—There
7 is authorized to be appropriated to the Secretary to carry
8 out this section \$4,000,000 for each fiscal year. Amounts
9 appropriated under this section shall remain available for
10 3 fiscal years.

11 **“Subtitle D—Emergency**
12 **Communications**

13 **“SEC. 561. OFFICE OF EMERGENCY COMMUNICATIONS.**

14 “(a) IN GENERAL.—There is in the Department an
15 Office of Emergency Communications, which shall be
16 under the authority of the Under Secretary for Emergency
17 Management.

18 “(b) ASSISTANT SECRETARY.—The head of the office
19 shall be the Assistant Secretary for Emergency Commu-
20 nications.

21 “(c) RESPONSIBILITIES.—The Assistant Secretary
22 for Emergency Communications shall—

23 “(1) assist the Secretary in developing and im-
24 plementing the program described in section
25 7303(a)(1) of the Intelligence Reform and Terrorism

1 Prevention Act of 2004 (6 U.S.C. 194(a)(1)), except
2 as provided in section 5 of the National Emergency
3 Management Reform and Enhancement Act of 2006;

4 “(2) administer the Department’s responsibil-
5 ities and authorities relating to the SAFECOM Pro-
6 gram;

7 “(3) administer the Department’s responsibil-
8 ities and authorities relating to the Integrated Wire-
9 less Network program;

10 “(4) coordinate, as appropriate, with the Assist-
11 ant Secretary for Cybersecurity and Telecommuni-
12 cations, regarding the administration of the National
13 Communications System;

14 “(5) conduct extensive, nationwide outreach and
15 foster the development of interoperable emergency
16 communications capabilities by State, regional, local,
17 and tribal governments and public safety agencies;

18 “(6) provide technical assistance to State, re-
19 gional, local, and tribal officials with respect to use
20 of interoperable emergency communications capabili-
21 ties;

22 “(7) facilitate the creation of Regional Emer-
23 gency Communications Coordination Working
24 Groups under section 565;

1 “(8) promote the development of standard oper-
2 ating procedures with respect to use of interoperable
3 emergency communications capabilities for incident
4 response and facilitate the sharing of information on
5 best practices (including from governments abroad)
6 for achieving, maintaining, and enhancing interoper-
7 able emergency communications capabilities for such
8 response;

9 “(9) coordinate the establishment of a national
10 response capability with initial and ongoing plan-
11 ning, implementation, and training for the deploy-
12 ment of backup communications services in the
13 event of a catastrophic loss of local and regional
14 emergency communications services;

15 “(10) assist the President, the National Secu-
16 rity Council, the Homeland Security Council, the Di-
17 rector of the Office of Science and Technology Pol-
18 icy, and the Director of the Office of Management
19 and Budget in ensuring the operability of the tele-
20 communications functions and responsibilities of the
21 Federal Government;

22 “(11) establish requirements for total and non-
23 proprietary interoperable emergency communications
24 capabilities for all public safety radio and data com-
25 munications systems and equipment;

1 “(12) help to establish an integrated national
2 public alert and warning system that incorporates
3 legacy systems; and

4 “(13) review, in consultation with Assistant
5 Secretary for Grants and Planning, all interoperable
6 emergency communications plans of Federal, State,
7 local, and tribal governments, including Statewide
8 and tactical interoperability plans.

9 “(d) PERFORMANCE OF PREVIOUSLY TRANSFERRED
10 FUNCTIONS.—There is transferred to the Secretary the
11 authority to administer, through the Assistant Secretary
12 for Emergency Communications, the following:

13 “(1) The SAFECOM Program.

14 “(2) The responsibilities of the Chief Informa-
15 tion Officer related to the implementation of the In-
16 tegrated Wireless Network.

17 “(3) The Interoperable Communications Tech-
18 nical Assistance Program.

19 “(e) COORDINATION.—The Assistant Secretary shall
20 coordinate, as appropriate, with the Director of the Office
21 for Interoperability and Compatibility the responsibilities
22 described in section 104 of the National Emergency Man-
23 agement Reform and Enhancement Act of 2006.

24 “(f) SUFFICIENCY OF RESOURCES.—The Secretary
25 shall provide the Office of Emergency Communications the

1 resources and staff necessary to carry out the responsibil-
2 ities under this section.

3 **“SEC. 562. NATIONAL EMERGENCY COMMUNICATIONS**
4 **STRATEGY.**

5 “(a) IN GENERAL.—The Secretary, acting through
6 the Assistant Secretary for Emergency Communications,
7 shall, not later than one year after the completion of the
8 baseline assessment under section 563, and in cooperation
9 with State, local, and tribal governments, Federal depart-
10 ments and agencies, emergency response providers, emer-
11 gency response support responders, and the private sector,
12 develop a National Emergency Communication Strategy
13 to achieve interoperable emergency communications.

14 “(b) CONTENTS.—The national strategy shall—

15 “(1) include a national interoperable emergency
16 communication inventory that—

17 “(A) identifies for each Federal depart-
18 ment and agency—

19 “(i) the channels and frequencies
20 used;

21 “(ii) the nomenclature used to refer to
22 each channel or frequency used; and

23 “(iii) the types of communications
24 system and equipment used;

1 “(B) identifies the interoperable emergency
2 communication systems in use for public safety
3 systems in the United States; and

4 “(C) provides a listing of public safety mu-
5 tual aid channels in operation and their ability
6 to connect to an interoperable communications
7 system;

8 “(2) include, in consultation with the National
9 Institute of Standards and Technology, a process for
10 expediting national voluntary consensus-based emer-
11 gency communications equipment standards for the
12 purchase and use by public safety agencies of inter-
13 operable emergency communications equipment and
14 technologies;

15 “(3) identify the appropriate interoperable
16 emergency communications capabilities necessary for
17 Federal, State, local, and tribal governments to op-
18 erate at all threat levels;

19 “(4) address both short-term and long-term so-
20 lutions to achieving Federal, State, local, and tribal
21 interoperable emergency communications systems,
22 including provision of commercially available equip-
23 ment that facilitates operability, interoperability, co-
24 ordination, and integration among existing emer-
25 gency communications systems;

1 “(5) identify how Federal Government depart-
2 ments and agencies that respond to acts of ter-
3 rorism, natural disasters, and other emergencies can
4 work effectively with State, local, and tribal govern-
5 ments, in all States, and such other entities as are
6 necessary to implement the strategy;

7 “(6) include measures to identify and overcome
8 all obstacles to achieving interoperable emergency
9 communications; and

10 “(7) set goals and establish timeframes for the
11 achievement of an emergency, command-level com-
12 munication system based on existing equipment
13 across the United States and develop a timetable for
14 a nationwide interoperable emergency communica-
15 tions system.

16 **“SEC. 563. ASSESSMENTS AND REPORTS.**

17 “(a) BASELINE OPERABILITY AND INTEROPER-
18 ABILITY ASSESSMENT.—The Secretary, acting through
19 the Assistant Secretary for Emergency Communications,
20 shall periodically, but not less than every 5 years, conduct
21 an assessment of Federal, State, local, and tribal govern-
22 ments, to—

23 “(1) define the range of operable and interoper-
24 able emergency communications capabilities needed
25 for specific events;

1 “(2) assess the current capabilities to meet
2 such communications needs;

3 “(3) identify the gap between such current ca-
4 pabilities and defined requirements;

5 “(4) determine the degree to which interoper-
6 able emergency communications has been achieved
7 to date and ascertain the needs that remain for
8 interoperability to be achieved;

9 “(5) assess the ability of communities to pro-
10 vide and maintain interoperable emergency commu-
11 nications among emergency response providers,
12 emergency response support providers, and govern-
13 ment officials in the event of acts of terrorism, nat-
14 ural disasters, or other emergencies, including Inci-
15 dents of National Significance declared by the Sec-
16 retary under the National Response Plan, and where
17 there is substantial damage to ordinary communica-
18 tions infrastructure or sustained loss of electricity;

19 “(6) compile a list of best practices among com-
20 munities for providing and maintaining interoperable
21 emergency communications in the event of acts of
22 terrorism, natural disasters, or other emergencies;
23 and

24 “(7) evaluate the feasibility and desirability of
25 the Department developing, on its own or in con-

1 junction with the Department of Defense, a mobile
2 communications capability, modeled on the Army
3 Signal Corps, that could be deployed to support
4 emergency communications at the site of acts of ter-
5 rorism, natural disasters, or other emergencies.

6 “(b) ANNUAL REPORT.—Not later than 1 year after
7 the date of enactment of this section, and annually there-
8 after, the Secretary, acting through the Assistant Sec-
9 retary for Emergency Communications, shall submit to
10 Congress a report on the Department’s progress in imple-
11 menting and achieving the goals of this section, including
12 a description of the findings of the nationwide assessment
13 conducted under subsection (a).

14 **“SEC. 564. COORDINATION OF FEDERAL EMERGENCY COM-**
15 **MUNICATIONS GRANT PROGRAMS.**

16 “(a) ASSESSMENT OF GRANTS AND STANDARDS PRO-
17 GRAMS.—The Secretary, acting through Assistant Sec-
18 retary for Emergency Communications, shall assess Fed-
19 eral grants and standards programs managed by other
20 Federal departments and agencies to—

21 “(1) integrate and coordinate Federal grant
22 guidelines for the use of Federal homeland security
23 assistance relating to interoperable emergency com-
24 munications;

1 “(2) assess and make recommendations to en-
2 sure that such guidelines are consistent with the
3 mission of the Office of Emergency Communications;
4 and

5 “(3) assess and make recommendations to en-
6 sure conformity with the goals and objectives identi-
7 fied in the National Emergency Communications
8 Strategy.

9 “(b) DENIAL OF ELIGIBILITY FOR GRANTS.—

10 “(1) IN GENERAL.—The Secretary, acting
11 through Assistant Secretary for Grants and Plan-
12 ning, and in consultation with the Assistant Sec-
13 retary for Emergency Communications, may prohibit
14 any State, local, or tribal government from using
15 Federal homeland security assistance administered
16 by the Department to achieve, maintain, or enhance
17 interoperable emergency communications capabili-
18 ties, if—

19 “(A) such government has not complied
20 with the requirement to submit a Statewide
21 Interoperable Communications Plans as re-
22 quired by section 7303(f) of the Intelligence Re-
23 form and Terrorism Prevention Act of 2004 (6
24 U.S.C. 194(f)); and

“(c) TRANSFER OF FUNCTIONS.—Not later than 60 days after the date of the enactment of this subsection, the President shall transfer to the Assistant Secretary for Emergency Communications the functions authorized by section 3006 of the Deficit Reduction Act of 2006 (Public Law 109–71; 120 Stat. 24), including the authority to borrow under 3006(b) of that Act.

23 “(a) IN GENERAL.—There is in each Regional Office
24 under section 504 a Regional Emergency Communications

1 Coordination Working Group (in this section referred to
2 as an ‘RECC Working Group’).

3 “(b) SUBJECT MATTER EXPERTS.—The RECC
4 Working Group shall consist of the following:

5 “(1) NON-FEDERAL.—Organizations rep-
6 resenting the interests of the following:

7 “(A) State officials.

8 “(B) Local elected officials.

9 “(C) State police departments.

10 “(D) Local police departments.

11 “(E) Local fire departments.

12 “(F) Public safety answering points (9–1–
13 1 services).

14 “(G) Communications equipment vendors
15 (including broadband data service providers).

16 “(H) Hospitals.

17 “(I) Public utility services.

18 “(J) Local exchange carriers.

19 “(K) Local broadcast media.

20 “(L) Wireless carriers.

21 “(M) Satellite communications services.

22 “(N) Emergency evacuation transit serv-
23 ices.

24 “(O) Ambulance services.

25 “(P) HAM and amateur radio operators.

1 “(Q) Emergency Managers, Homeland Se-
2 curity Directors, or representatives of State Ad-
3 ministrative Agencies.

4 “(R) Other emergency response providers
5 or emergency support providers as deemed ap-
6 propriate.

7 “(2) FEDERAL.—Representatives from the De-
8 partment and other Federal departments and agen-
9 cies with responsibility for coordinating interoperable
10 emergency communications with or providing emer-
11 gency support services to State, local, and tribal gov-
12 ernments.

13 “(c) DUTIES.—The duties of each RECC Working
14 Group shall include—

15 “(1) assessing the survivability, sustainability,
16 and interoperability of local emergency communica-
17 tions systems to meet the goals of the National
18 Emergency Communications Strategy;

19 “(2) reporting annually to the Assistant Sec-
20 retary for Emergency Communications on the status
21 of its region in building a robust and sustainable
22 interoperable voice and data emergency communica-
23 tions network and on the progress of the region in
24 meeting the goals of the National Emergency Com-

1 munications Strategy under section 562 when such
2 Strategy in complete;

3 “(3) coordinating the establishment of an effec-
4 tive multi-jurisdictional, multi-agency emergency
5 communications network for use during acts of ter-
6 rorism, natural disasters, and other emergencies
7 through the expanded use of emergency management
8 and public safety communications mutual aid agree-
9 ments; and

10 “(4) coordinating the establishment of Federal,
11 State, local, and tribal support services and net-
12 works designed to address the immediate and critical
13 human needs in responding to acts of terrorism, nat-
14 ural disasters, and other emergencies.

15 **“SEC. 566. EMERGENCY COMMUNICATIONS PREPAREDNESS**
16 **CENTER.**

17 “(a) ESTABLISHMENT.—There is established the
18 Emergency Communications Preparedness Center (in this
19 section referred to as the ‘Center’).

20 “(b) OPERATION.—

21 “(1) IN GENERAL.—The Secretary, the Chair-
22 man of the Federal Communication Commission, the
23 Secretary of Defense, the Secretary of Commerce,
24 the Attorney General, and the heads of other Fed-
25 eral departments and agencies or their designees

1 shall jointly operate the Center in accordance with
2 the Memorandum of Understanding entitled, ‘Emer-
3 gency Communications Preparedness Center
4 (ECPC) Charter’.

5 “(2) CHAIR.—The Secretary shall be the Chair
6 of the Center.

7 “(c) FUNCTIONS.—The Center shall—

8 “(1) serve as the focal point for interagency ef-
9 forts to address operable and interoperable commu-
10 nications;

11 “(2) serve as a clearinghouse with respect to all
12 relevant information regarding intergovernmental ef-
13 forts to achieve nationwide interoperable emergency
14 communications capabilities;

15 “(3) ensure cooperation among the relevant
16 Federal Government departments and agencies to
17 improve effectiveness in the communication and im-
18 plementation of the goals of the National Emergency
19 Communications Strategy, including specifically by
20 working to avoid duplication, hindrances, and coun-
21 teractive efforts among the participating Federal de-
22 partments and agencies;

23 “(4) prepare and submit to Congress, on an an-
24 nual basis, a strategic assessment regarding the ef-
25 forts of Federal departments and agencies to imple-

1 ment the National Emergency Communications
2 Strategy; and

3 “(5) perform such other functions as the Presi-
4 dent may assign.

5 “(d) REPORT.—Not later than 180 days after the
6 date of the enactment of this section, the President shall
7 transmit to the Congress a report regarding the implemen-
8 tation of this section, including a description of the staff-
9 ing and resource needs of the Center.

10 **“SEC. 567. URBAN AND OTHER HIGH RISK AREA COMMU-**
11 **NICATIONS CAPABILITIES.**

12 “(a) IN GENERAL.—The Secretary, in consultation
13 with the Chairman of the Federal Communications Com-
14 mission and the Secretary of Defense, and with appro-
15 priate State, local, and tribal government officials, shall
16 provide technical guidance, training, and other assistance,
17 as appropriate, to support the rapid establishment of con-
18 sistent, secure, and effective interoperable emergency com-
19 munications capabilities in the event of an emergency in
20 urban and other areas determined by the Secretary to be
21 at consistently high levels of risk from terrorist attack.

22 “(b) MINIMUM CAPABILITIES.—The interoperable
23 emergency communications capabilities established under
24 subsection (a) shall ensure the ability of all levels of gov-
25 ernment, emergency response providers, emergency re-

1 sponse support providers, the private sector, and other or-
2 ganizations with emergency response capabilities—

3 “(1) to communicate with each other in the
4 event of an emergency;

5 “(2) to have appropriate and timely access to
6 the Information Sharing Environment described in
7 section 1016 of the National Security Intelligence
8 Reform Act of 2004 (6 U.S.C. 321); and

9 “(3) to be consistent with any applicable State
10 or Urban Area homeland strategy or plan.

11 **“SEC. 568. INTEGRATED NATIONAL ALERT AND WARNING**
12 **SYSTEM.**

13 “(a) IN GENERAL.—The Secretary, acting through
14 the Assistant Secretary for Emergency Communications,
15 and in coordination with the head of any Federal depart-
16 ment or agency that possesses or acquires alert and warn-
17 ing capabilities, including the Departments of Commerce
18 and Defense and the Federal Communications Commis-
19 sion, shall develop, manage, operate, and coordinate an in-
20 tegrated national public alert and warning system that in-
21 corporates legacy systems.

22 “(b) REQUIREMENTS.—Such system shall—

23 “(1) be operational within 3 years of the date
24 of enactment of this section;

1 “(2) ensure effective collaboration with State,
2 local, and tribal governments;

3 “(3) complement and provide interoperability
4 with State, local, and tribal public alert and warning
5 systems;

6 “(4) ensure the interoperability of commercially
7 available equipment for radio and data communica-
8 tions systems;

9 “(5) carry alert and warning messages for acts
10 of terrorism, natural disasters, and other emer-
11 gencies;

12 “(6) conduct regular internal training and exer-
13 cises on generating and disseminating public alert
14 and warning messages;

15 “(7) support public education and outreach to
16 increase community awareness of the integrated na-
17 tional alert and warning system;

18 “(8) incorporate, to the maximum extent pos-
19 sible, technologies and systems that warn and sup-
20 port the unique needs faced by persons with disabil-
21 ities or language barriers;

22 “(9) develop public–private partnerships to—

23 “(A) leverage government and industry
24 needs, capabilities, and resources necessary to
25 delivery effective disaster warnings;

1 “(B) facilitate the development, promulga-
2 tion, and regular updating of national voluntary
3 consensus standards for public alert and warn-
4 ing technologies;

5 “(C) identify, in consultation with the As-
6 sistant Secretary for Infrastructure Protection
7 and the Assistant Secretary for Cybersecurity
8 and Telecommunications, critical infrastructure
9 and key resources necessary to provide accu-
10 rate, survivable, and sustainable public alerts
11 and warnings;

12 “(D) incorporate private sector threat in-
13 formation sharing into Federal, State, and local
14 alert and warning systems; and

15 “(E) ensure continuity of operations plans
16 are in place to minimize the disruption to com-
17 munications infrastructure used for the dissemi-
18 nation of public alerts and warnings;

19 “(10) promulgate standard operating proce-
20 dures and protocols for the integrated national pub-
21 lic alert and warning system; and

22 “(11) identify and incorporate existing, new,
23 and emerging technologies, including the utilization
24 of both satellite and ground based alert and warning

1 distribution networks to provide redundant, timely,
2 and accurate public alerts and warnings.

3 “(c) IMPLEMENTATION PLAN.—The Secretary, act-
4 ing through the Assistant Secretary for Emergency Com-
5 munications, shall develop an implementation plan for this
6 section within 180 days after the enactment of this sec-
7 tion.

8 **“Subtitle E—Emergency Logistics**

9 **“SEC. 581. PREPOSITIONED EQUIPMENT PROGRAM.**

10 “(a) IN GENERAL.—The Secretary, acting through
11 the Under Secretary for Emergency Management, shall
12 establish a Prepositioned Equipment Program to preposi-
13 tion standardized emergency equipment in selected geo-
14 graphic areas to sustain and replenish critical assets used
15 by State, local, or tribal governments in response to, or
16 rendered inoperable by the effects of, acts of terrorism,
17 natural disasters, or other emergencies.

18 “(b) FORCE PACKAGES.—As part of the Program,
19 the Secretary shall establish a number of force packages.
20 Each force package shall—

21 “(1) contain preposition-standardized equip-
22 ment and frequently used off-the-shelf items;

23 “(2) be strategically located and maintained at
24 logistics centers in no less than 11 regions and, to

1 the extent practicable, co-located with the push
2 packages of the Strategic National Stockpile;

3 “(3) be rapidly deployable to any major popu-
4 lation area within at least 12 hours; and

5 “(4) be easily transportable by air, land, or
6 water.

7 “(c) TYPES OF EQUIPMENT INCLUDED.—Each force
8 package shall include—

9 “(1) personal protective equipment;

10 “(2) detection equipment;

11 “(3) decontamination equipment;

12 “(2) search and rescue equipment;

13 “(3) medical equipment and supplies;

14 “(4) communications equipment; and

15 “(5) any additional devices, tools, supplies, and
16 material most likely needed by initial on-scene emer-
17 gency response providers.

18 “(d) SUPPORT TEAMS.—Each force package shall be
19 staffed by qualified and trained personnel who reside in
20 the region. Such personnel shall—

21 “(1) be available to respond to emergencies
22 when necessary;

23 “(2) provide life-cycle management and mainte-
24 nance of equipment; and

1 “(3) perform associated logistics, including
2 equipment maintenance and calibration.

3 “(e) PROCEDURES FOR DEPLOYMENT OF FORCE
4 PACKAGES.—The Secretary, acting through the Under
5 Secretary, shall deploy force packages to State, local, and
6 tribal officials when—

7 “(1) a State or local government entity,
8 through the Governor of the State, or a tribal gov-
9 ernment entity, makes a request for the transfer de-
10 ployment of a force package; and

11 “(2) the Under Secretary approves such re-
12 quest.

13 “(f) COORDINATION.—In carrying out the
14 Prepositioned Equipment Program under this section, the
15 Secretary shall coordinate with the Secretaries of Defense
16 and Health and Human Services and with the heads of
17 such other Federal departments and agencies as the Sec-
18 retary determines are appropriate.

19 **“SEC. 582. NATIONAL ASSET INVENTORY PROGRAM.**

20 “(a) ESTABLISHMENT.—The Secretary, acting
21 through the Under Secretary for Emergency Management
22 and in coordination with the heads of other appropriate
23 Federal departments and agencies, shall establish a Na-
24 tional Asset Inventory Program for the purpose of man-
25 aging and deploying Federal capabilities in response to

1 acts of terrorism, natural disasters, and other emer-
2 gencies.

3 “(b) INVENTORY.—In accordance with the require-
4 ments of section 611(h)(1)(C) of the Robert T. Stafford
5 Disaster Relief and Emergency Assistance Act (42 U.S.C.
6 5196(h)(1)(C)), the National Asset Inventory Program
7 shall develop and maintain an inventory of Federal re-
8 sponse capabilities and corresponding assets and re-
9 sources. Such inventory shall include—

10 “(1) the performance parameters of each capa-
11 bility;

12 “(2) the time frame within which each capa-
13 bility can be available for deployment to an incident;

14 “(3) the readiness of each capability to respond
15 to domestic incidents; and

16 “(4) the availability of such capability.

17 “(c) MILITARY CAPABILITIES.—The Secretary of De-
18 fense shall provide to the Secretary a description of the
19 functions and capabilities of any entity of the Department
20 of Defense that may be used to provide support to civil
21 authorities in responding to acts of terrorism, natural dis-
22 asters, or other emergencies.

23 “(d) DATABASE.—The Secretary, acting through the
24 Under Secretary for Emergency Management, shall estab-
25 lish an inventory database to allow—

1 “(1) real-time exchange of information regard-
2 ing capabilities, assets, and resources, readiness, or
3 the compatibility of equipment;

4 “(2) easy identification and rapid deployment
5 during an incident; and

6 “(3) the sharing of inventories across jurisdic-
7 tions.

8 “(e) FORCE PACKAGES.—The Secretary, acting
9 though the Under Secretary for Emergency Management,
10 shall certify on an annual basis that Federal departments
11 and agencies with primary or supporting agency respon-
12 sibilities under an emergency support function of the Na-
13 tional Response Plan have developed and maintained force
14 packages of rapidly deployable Federal capabilities.

15 “(f) LOGISTICS SUPPORT CENTERS.—The Secretary,
16 acting through the Under Secretary and in coordination
17 with other Federal departments and agencies and State,
18 local, and tribal governments, shall identify physical loca-
19 tions in selected geographic areas that could be used as
20 logistics support centers for receiving, staging, and inte-
21 grating Federal capabilities in the event of acts of ter-
22 rorism, natural disasters, and other emergencies.

23 “(g) COORDINATION.—In carrying out the activities
24 of the program under this section, the Under Secretary
25 shall consult with the Administrator of the Emergency

1 Management Assistance Compact to ensure effective co-
2 ordination of efforts in responding to requests for assist-
3 ance.

4 **“SEC. 583. SMALL BUSINESS DATABASE FOR FEDERAL CON-**
5 **TRACTING RELATED TO MAJOR DISASTERS**
6 **AND EMERGENCY ASSISTANCE ACTIVITIES.**

7 “(a) ESTABLISHMENT OF DATABASE.—The Sec-
8 retary, acting through the Under Secretary for Emergency
9 Management and in coordination with the Regional Direc-
10 tors under section 504, shall establish and maintain a
11 database that contains information about small business
12 entities for purposes of Federal contracting related to as-
13 sistance activities conducted in response to and recovery
14 from acts of terrorism, natural disasters, and other emer-
15 gencies.

16 “(b) INCLUDED INFORMATION.—The database under
17 subsection (a) shall include the following information
18 about each small business entity included in the database:

19 “(1) The name of the small business entity.

20 “(2) The location of the small business entity.

21 “(3) The area served by the small business enti-
22 ty.

23 “(4) The type of good or service provided by
24 the small business entity.

25 “(5) Whether the small business entity is—

1 “(A) a small business entity owned and
2 controlled by socially and economically dis-
3 advantaged individuals;

4 “(B) a small business entity owned and
5 controlled by women; or

6 “(C) a small business entity owned and
7 controlled by service-disabled veterans.

8 “(c) SOURCE OF INFORMATION.—

9 “(1) SUBMISSION.—The database may only
10 contain such information about a small business en-
11 tity as is submitted by the small business entity.

12 “(2) ATTESTATION.—Each small business enti-
13 ty submitting information to the database shall sub-
14 mit—

15 “(A) an attestation that the information
16 submitted is true; and

17 “(B) documentation supporting such attes-
18 tation.

19 “(3) VERIFICATION.—The Secretary shall verify
20 only that the documentation submitted by each small
21 business entity supports the information submitted
22 by that small business entity.

23 “(d) AVAILABILITY OF DATABASE.—The Secretary
24 shall make the database generally available on the Internet
25 website of the Department.

1 “(e) CONSULTATION OF DATABASE.—Before award-
2 ing a Federal contract for a disaster-related activity, a
3 component of the Department shall consult the database
4 established under this section.

5 “(f) DATABASE INTEGRATION.—The Secretary shall
6 integrate the database established under this section into
7 any other procurement-related database maintained by the
8 Secretary.

9 “(g) DEFINITIONS.—For purposes of this section, the
10 terms ‘small business entity’, ‘small business entity owned
11 and controlled by socially and economically disadvantaged
12 individuals’, ‘small business entity owned and controlled
13 by women’, and ‘small business entity owned and con-
14 trolled by service-disabled veterans’ shall have the mean-
15 ings given the terms ‘small business concern’, ‘small busi-
16 ness concern owned and controlled by socially and eco-
17 nomically disadvantaged individuals’, ‘small business con-
18 cern owned and controlled by women’, and ‘small business
19 concern owned and controlled by service-disabled veterans’
20 respectively under the Small Business Act (15 U.S.C. 631
21 et seq.).

22 **“SEC. 584. FRAUD PREVENTION TRAINING PROGRAM.**

23 “(a) TRAINING PROGRAM REQUIRED.—The Sec-
24 retary, acting through the Under Secretary for Emergency
25 Management, shall develop and implement a program to

1 provide training on the prevention of waste, fraud, and
2 abuse of Federal assistance funds and services during the
3 response to or recovery from acts of terrorism, natural dis-
4 asters, or other emergencies and ways to identify such po-
5 tential waste, fraud, and abuse.

6 “(b) INDIVIDUALS ELIGIBLE FOR TRAINING.—Under
7 the training program required under subsection (a), the
8 Secretary may provide training to—

9 “(1) employees, contractors, and volunteers of
10 the Federal Government;

11 “(2) employees and volunteers of any State,
12 local, or tribal government entity; and

13 “(3) employees and volunteers of non-profit or-
14 ganizations that assist in the administration of Fed-
15 eral assistance funds and services provided in re-
16 sponse to acts of terrorism, natural disasters, or
17 other national emergencies.

18 “(c) INFORMATION SHARING.—Any State, local, or
19 tribal government entity or non-profit entity that provides
20 Federal assistance funds or services to individuals affected
21 by acts of terrorism, natural disasters, or other emer-
22 gencies may share information with the Federal Govern-
23 ment, in a manner consistent with Federal Privacy Act
24 protections, about any recipient of such assistance, at the
25 request of the head of a Federal department or agency,

1 for the purpose of preventing fraud and abuse of Federal
2 assistance.

3 **“Subtitle F—Infrastructure**
4 **Protection and Cybersecurity**

5 **“SEC. 591. OFFICE OF INFRASTRUCTURE PROTECTION.**

6 “(a) IN GENERAL.—There is in the Department an
7 Office of Infrastructure Protection under the authority of
8 the Under Secretary for Emergency Management.

9 “(b) ASSISTANT SECRETARY FOR INFRASTRUCTURE
10 PROTECTION.—The head of the Office shall be the Assist-
11 ant Secretary for Infrastructure Protection. The Assistant
12 Secretary shall report directly to the Under Secretary for
13 Emergency Management.

14 “(c) RESPONSIBILITIES OF THE ASSISTANT SEC-
15 RETARY.—The Assistant Secretary shall carry out the re-
16 sponsibilities of the Department regarding infrastructure
17 protection. Such responsibilities shall include the fol-
18 lowing:

19 “(1) To identify and carry out comprehensive
20 risk assessments of key resources and critical infra-
21 structure of the United States, to determine the
22 risks posed by particular types of terrorist attacks
23 within the United States (including an assessment of
24 the probability of success of such attacks and the

1 feasibility and potential efficacy of various counter-
2 measures to such attacks).

3 “(2) To develop and maintain a comprehensive
4 national plan for securing the key resources and
5 critical infrastructure of the United States, in ac-
6 cordance with Homeland Security Presidential Di-
7 rective 7.

8 “(3) To recommend measures necessary to pro-
9 tect the key resources and critical infrastructure of
10 the United States in coordination with other Federal
11 Departments and agencies and in consultation with
12 State, local, and tribal government agencies and au-
13 thorities, and the private sector.

14 “(4) To coordinate and implement, as appro-
15 priate, preparedness efforts to ensure that critical
16 infrastructure and key resources efforts are fully in-
17 tegrated and coordinated with the response and re-
18 covery activities of the Department.

19 “(5) To establish and maintain partnerships
20 and information sharing processes with Federal,
21 State, local, and tribal governments, the private sec-
22 tor, and international governments and organiza-
23 tions to enhance coordination of critical infrastruc-
24 ture and key resource efforts.

1 “(6) To coordinate with the Under Secretary
2 for Intelligence and Analysis and elements of the in-
3 telligence community and with Federal, State, local,
4 and tribal law enforcement agencies, and the private
5 sector, as appropriate.

6 “(7) To provide the Secretary with an annual
7 summary of national critical infrastructure protec-
8 tion efforts and priorities and to provide, in con-
9 sultation with the Assistant Secretary for Grants
10 and Planning, recommendations for Federal critical
11 infrastructure protection funding.

12 “(8) In carrying out responsibilities under para-
13 graphs (1) and (2), to consult with other Federal,
14 State, local, and tribal government agencies and au-
15 thorities as appropriate.

16 “(9) To perform other such duties relating to
17 such responsibilities as the Secretary may provide.

18 “(d) INTEGRATION CENTER.—

19 “(1) IN GENERAL.—There is an Integration
20 Center in the Office of Infrastructure Protection,
21 which shall be staffed by the Office of Infrastructure
22 Protection, the Office of Cybersecurity and Tele-
23 communications, and the Office of Intelligence and
24 Analysis.

1 “(2) RESPONSIBILITIES.—The Integration Cen-
2 ter shall—

3 “(A) be responsible for the integration of
4 relevant threat, consequence, and vulnerability
5 information, analysis, and assessments (whether
6 such information, analysis, or assessments are
7 provided or produced by the Department or
8 others) in order to identify priorities for protec-
9 tive and support measures by the Department,
10 other Federal departments and agencies, State,
11 local, and tribal government agencies and au-
12 thorities, the private sector, and other entities;
13 and

14 “(B) develop and disseminate analytical
15 products that combine homeland security infor-
16 mation with critical infrastructure and key re-
17 source vulnerability and consequence informa-
18 tion.

19 “(3) CRITICAL INFRASTRUCTURE INFORMA-
20 TION.—The Secretary shall ensure that the Depart-
21 ment makes full and efficient use of open-source in-
22 formation to analyze United States critical infra-
23 structure from the perspective of terrorists using
24 publicly available information.

25 “(e) STAFF.—

1 “(1) IN GENERAL.—The Secretary shall ensure
2 that the Office has staff that possess appropriate ex-
3 pertise and experience to assist the Assistant Sec-
4 retary in discharging responsibilities under this sec-
5 tion.

6 “(2) PRIVATE SECTOR STAFF.—Staff under
7 this subsection may include individuals from the pri-
8 vate sector.

9 “(3) SECURITY CLEARANCES.—Staff under this
10 subsection shall possess security clearances appro-
11 priate for their work under this section.

12 “(f) DETAIL OF PERSONNEL.—

13 “(1) IN GENERAL.—In order to assist the Of-
14 fice in discharging responsibilities under this section,
15 personnel of other Federal departments and agencies
16 may be detailed to the Department for the perform-
17 ance of analytic functions and related duties.

18 “(2) COOPERATIVE AGREEMENTS.—The Sec-
19 retary and the head of the Federal department or
20 agency concerned may enter into cooperative agree-
21 ments for the purpose of detailing personnel under
22 this subsection.

23 “(3) BASIS.—The detail of personnel under this
24 subsection may be on a reimbursable or non-reim-
25 bursable basis.

1 “(g) REPROGRAMMING.—The Secretary may not re-
2 program any funds allocated to the Office of Infrastruc-
3 ture Protection until 60 days after the Secretary submits
4 to the Committees on Appropriations of the Senate and
5 House of Representatives, the Committee on Homeland
6 Security and Governmental Affairs of the Senate, and the
7 Committee on Homeland Security of the House of Rep-
8 resentatives written notification of the reprogramming.

9 **“SEC. 592. OFFICE OF CYBERSECURITY AND TELE-**
10 **COMMUNICATIONS.**

11 “(a) IN GENERAL.—There is in the Department an
12 Office of Cybersecurity and Telecommunications under the
13 authority of the Under Secretary for Emergency Manage-
14 ment.

15 “(b) ASSISTANT SECRETARY FOR CYBERSECURITY
16 AND TELECOMMUNICATIONS.—The head of the Office
17 shall be the Assistant Secretary for Cybersecurity and
18 Telecommunications. The Assistant Secretary shall report
19 directly to the Under Secretary for Emergency Manage-
20 ment.

21 “(c) RESPONSIBILITIES OF THE ASSISTANT SEC-
22 RETARY.—The Assistant Secretary shall carry out the re-
23 sponsibilities of the Department regarding cybersecurity
24 and telecommunications. Such responsibilities shall in-
25 clude the following:

1 “(1) To carry out the duties of the National
2 Cyber Security Division.

3 “(2) To carry out, in coordination with the As-
4 sistant Secretary for Emergency Communications,
5 as appropriate, the duties of the National Commu-
6 nications System.

7 “(3) To assist the Assistant Secretary for In-
8 frastructure Protection in developing and maintain-
9 ing a comprehensive national plan for securing the
10 key resources and critical infrastructure of the
11 United States with respect to cybersecurity and tele-
12 communications, in accordance with Homeland Secu-
13 rity Presidential Directive 7.

14 “(4) To consult and coordinate with the Assist-
15 ant Secretary for Infrastructure Protection, the
16 Under Secretary for Science and Technology, and,
17 where appropriate, other relevant Federal depart-
18 ments and agencies, on security of digital control
19 systems, such as Supervisory Control and Data Ac-
20 quisition (SCADA) systems.

21 “(5) To perform other such duties relating to
22 such responsibilities as the Secretary may provide.

23 “(d) STAFF.—

24 “(1) IN GENERAL.—The Secretary shall provide
25 the Office with staff having appropriate expertise

1 and experience to assist the Assistant Secretary in
2 discharging responsibilities under this section.

3 “(2) SECURITY CLEARANCES.—Staff under this
4 subsection shall possess security clearances appro-
5 priate for their work under this section.

6 “(e) DETAIL OF PERSONNEL.—

7 “(1) IN GENERAL.—In order to assist the Of-
8 fice in discharging responsibilities under this section,
9 personnel of other Federal departments and agencies
10 may be detailed to the Department for the perform-
11 ance of analytic functions and related duties.

12 “(2) COOPERATIVE AGREEMENTS.—The Sec-
13 retary and the head of the Federal department or
14 agency concerned may enter into cooperative agree-
15 ments for the purpose of detailing personnel under
16 this subsection.

17 “(3) BASIS.—The detail of personnel under this
18 subsection may be on a reimbursable or non-reim-
19 bursable basis.

20 “(f) REPROGRAMMING.—The Secretary may not re-
21 program any funds allocated to the Office of Cybersecurity
22 and Telecommunications until 60 days after the Secretary
23 submits to the Committees on Appropriations of the Sen-
24 ate and House of Representatives, the Committee on
25 Homeland Security and Governmental Affairs of the Sen-

1 ate, and the Committee on Homeland Security of the
 2 House of Representatives written notification of the re-
 3 programming.”.

4 (b) CLERICAL AMENDMENTS.—The items relating to
 5 title V in the table of contents in section 1(b) of the Home-
 6 land Security Act of 2002 are amended to read as follows:

“TITLE V—EMERGENCY MANAGEMENT

“Subtitle A—Directorate of Emergency Management

- “Sec. 501. Directorate of Emergency Management.
- “Sec. 502. Responsibilities of the Under Secretary.
- “Sec. 503. Principal advisor on emergency management.
- “Sec. 504. Regional offices.
- “Sec. 505. Chief Medical Officer.
- “Sec. 506. Office of State, Local, and Tribal Government Coordination.
- “Sec. 507. Office of National Capital Region Coordination.
- “Sec. 508. National Advisory Council on Emergency Management.
- “Sec. 509. Reorganization of Directorate.

“Subtitle B—Emergency Preparedness

- “Sec. 521. Office of Grants and Planning.
- “Sec. 522. Office of Training and Exercises.
- “Sec. 523. Essential capabilities.
- “Sec. 524. Catastrophic planning.
- “Sec. 525. System assessment and validation for emergency responders pro-
gram.
- “Sec. 526. Homeland Security Education Program.
- “Sec. 527. Office of Public and Community Preparedness.

“Subtitle C—Emergency Response

- “Sec. 541. National incident management system and national response plan
integration center.
- “Sec. 542. Use of national private sector networks in emergency response.
- “Sec. 543. Nuclear incident response.
- “Sec. 544. National urban search and rescue response system.
- “Sec. 545. Metropolitan Medical Response System.
- “Sec. 546. Emergency Management Assistance Compact authorization.

“Subtitle D—Emergency Communications

- “Sec. 561. Office of Emergency Communications.
- “Sec. 562. National emergency communications strategy.
- “Sec. 563. Assessments and reports.
- “Sec. 564. Coordination of Federal emergency communications grant programs.
- “Sec. 565. Regional emergency communications coordination.
- “Sec. 566. Emergency Communications Preparedness Center.

“Sec. 567. Urban and other high risk area communications capabilities.

“Sec. 568. Integrated national alert and warning system.

“Subtitle E—Emergency Logistics

“Sec. 581. Prepositioned equipment program.

“Sec. 582. National Asset Inventory Program.

“Sec. 583. Small business database for Federal contracting related to major disasters and emergency assistance activities.

“Sec. 584. Fraud prevention training program.

“Subtitle F—Infrastructure Protection and Cybersecurity

“Sec. 591. Office of Infrastructure Protection.

“Sec. 592. Office of Cybersecurity and Telecommunications.”.

1 SEC. 102. GULF COAST LONG-TERM RECOVERY OFFICE.

2 (a) ESTABLISHMENT.—The Secretary of Homeland
3 Security shall establish in the Department of Homeland
4 Security a Gulf Coast Long-Term Recovery Office to ad-
5 minister amounts available to the Department for pro-
6 viding assistance to the residents of the Gulf Coast region
7 for recovering from Hurricanes Katrina and Rita.

8 (b) DIRECTOR.—The Office shall be headed by a Di-
9 rector, who shall be appointed by the Secretary of Home-
10 land Security.

11 (c) RESPONSIBILITIES.—The Director of the Gulf
12 Coast Long-Term Recovery Office shall work with State,
13 local, and tribal governments, the private sector, and non-
14 governmental organizations, including faith-based and
15 other community humanitarian relief entities, to provide
16 assistance to residents of the Gulf Coast region for recov-
17 ering from Hurricanes Katrina and Rita, including the fol-
18 lowing:

1 (1) To assess the social and economic con-
2 sequences in the areas affected by Hurricanes
3 Katrina and Rita and coordinate Federal efforts to
4 address long-term community recovery issues.

5 (2) To advise the Secretary of Homeland Secu-
6 rity on the long-term community recovery implica-
7 tions of response activities.

8 (3) To conduct comprehensive market disrup-
9 tion and loss analysis and develop a forward looking
10 market-based comprehensive long-term recovery plan
11 for the affected areas.

12 (4) To identify appropriate Federal programs
13 and agencies to support the implementation of the
14 long-term community recovery plan, to ensure co-
15 ordination across appropriate Federal departments
16 and agencies, and to identify any gaps in the avail-
17 able resources.

18 (5) To avoid duplication of assistance, to co-
19 ordinate, to the extent possible, program application
20 processes and planning requirements in order to
21 streamline assistance, and to identify and coordinate
22 the resolution of policy and program issues.

23 (6) To determine responsibilities for recovery
24 activities, to provide a method of maintaining con-
25 tinuity in the delivery of assistance under programs

1 administered by various Federal departments and
2 agencies, and to oversee coordination with State,
3 local, and tribal governments and other involved parties,
4 to ensure follow-through of recovery and hazard
5 mitigation efforts.

6 (7) To encourage implementation of mitigation
7 measures during recovery.

8 (8) To carry out such other activities as determined
9 appropriate by the Secretary of Homeland Security.
10

11 (d) TERMINATION.—The Gulf Coast Long-Term Recovery
12 Office established under subsection (a) shall terminate
13 at the discretion of the Secretary.

14 **SEC. 103. NATIONAL DISASTER MEDICAL SYSTEM.**

15 (a) AUTHORIZATION OF APPROPRIATIONS.—Section
16 2811 of the Public Health Service Act (42 U.S.C. 300hh–
17 11), as added by section 102 of the Public Health Security
18 and Bioterrorism Preparedness and Response Act of 2002
19 (116 Stat. 599), is amended in subsection (h) by striking
20 “such sums” and all that follows and inserting
21 “\$85,000,000 for each of the fiscal years 2007 through
22 2010.”.

23 (b) REPORT.—Not later than 9 months after the date
24 of the enactment of this Act, the Chief Medical Officer
25 of the Department of Homeland Security, in consultation

1 with the Under Secretary for Emergency Management,
2 shall submit to Congress a report that provides—

3 (1) an assessment of the need to expand the
4 National Disaster Medical System, including an ex-
5 amination of the feasibility of maintaining a full
6 time, non-volunteer operational unit or units;

7 (2) an evaluation of the relationship between
8 the National Disaster Medical System and the Met-
9 ropolitan Medical Response System;

10 (3) an assessment of the coordination between
11 the Department and the Department of Health and
12 Human Services during deployment; and

13 (4) an evaluation of whether the National Dis-
14 aster Medical System should remain in the Depart-
15 ment and, if not, which Department should have re-
16 sponsibility.

17 **SEC. 104. OFFICE OF INTEROPERABILITY AND COMPAT-**
18 **IBILITY.**

19 (a) IN GENERAL.—Title III of the Homeland Secu-
20 rity Act of 2002 (6 U.S.C. 181 et seq.) is amended by
21 adding at the end the following:

1 **“SEC. 314. OFFICE OF INTEROPERABILITY AND COMPAT-**
2 **IBILITY.**

3 “(a) CLARIFICATION OF RESPONSIBILITIES.—The
4 Director of the Office of Interoperability and Compat-
5 ibility shall—

6 “(1) assist the Secretary in developing and im-
7 plementing the science and technology aspects of the
8 program described in subparagraphs (D), (E), (F),
9 and (G) of section 7303(a)(1) of the Intelligence Re-
10 form and Terrorism Prevention Act of 2004 (6
11 U.S.C. 194(a)(1));

12 “(2) support the creation of national voluntary
13 consensus standards for interoperable emergency
14 communications;

15 “(3) establish a comprehensive research, devel-
16 opment, testing, and evaluation program for improv-
17 ing interoperable emergency communications;

18 “(4) establish requirements for total and non-
19 proprietary interoperable emergency communications
20 capabilities for all public safety radio and data com-
21 munications systems and equipment;

22 “(5) evaluate and validate new technology con-
23 cepts in real-world environments to achieve inter-
24 operable emergency communications capabilities;

25 “(6) encourage more efficient use of existing re-
26 sources, including equipment and spectrum, to

1 achieve interoperable emergency communications ca-
2 pabilities;

3 “(7) test and deploy public safety communica-
4 tions systems that are less prone to failure, support
5 new nonvoice services, consume less spectrum, and
6 cost less than existing systems; and

7 “(8) work with the private sector to develop so-
8 lutions to improve emergency communications capa-
9 bilities and achieve interoperable emergency commu-
10 nications capabilities.

11 “(b) COORDINATION.—The Director shall coordinate
12 with the Assistant Secretary for Emergency Communica-
13 tions with respect to the SAFECOM program.

14 “(c) SUFFICIENCY OF RESOURCES.—The Secretary
15 shall provide the Office for Interoperability and Compat-
16 ibility the resources and staff necessary to carry out the
17 responsibilities under this section.”.

18 (b) CLERICAL AMENDMENT.—The table of contents
19 in section 1(b) of such Act is amended by inserting at the
20 end of the items relating to title III the following:

“Sec. 314. Office of Interoperability and Compatibility.”.

21 **SEC. 105. INTELLIGENCE ANALYSTS.**

22 (a) IN GENERAL.—Financial assistance provided to
23 State, local, and tribal governments by the Secretary of
24 Homeland Security for prevention activities may be used
25 by the State, local, or tribal government to hire new staff

1 and contractors to serve as intelligence analysts to facili-
 2 tate information and intelligence sharing activities.

3 (b) QUALIFICATIONS.—An individual shall success-
 4 fully complete training to ensure baseline proficiency in
 5 intelligence analysis and production before the individual
 6 may serve as an intelligence analyst or as a staff intel-
 7 ligence employee or contractor.

8 (c) EFFECTIVE DATE.—The requirements under sub-
 9 section (b) shall apply with respect to an individual hired
 10 after the date of the enactment of this Act.

11 **SEC. 106. REDESIGNATION OF DIRECTORATE FOR INFOR-**
 12 **MATION ANALYSIS AND INFRASTRUCTURE**
 13 **PROTECTION.**

14 (a) REDESIGNATION OF DIRECTORATE FOR INFOR-
 15 MATION ANALYSIS AND INFRASTRUCTURE PROTEC-
 16 TION.—Section 201 of the Homeland Security Act of 2002
 17 (6 U.S.C. 121) is amended—

18 (1) in subsection (a)(1)—

19 (A) by striking “a Directorate for Informa-
 20 tion Analysis and Infrastructure Protection”
 21 and inserting “an Office of Intelligence and
 22 Analysis”; and

23 (B) by striking “an Under Secretary for
 24 Information Analysis and Infrastructure Pro-

1 tection” and inserting “an Under Secretary for
2 Intelligence and Analysis”;

3 (2) by striking subsection (b) and redesignating
4 subsections (c) through (g) as subsections (b)
5 through (f), respectively;

6 (3) in subsection (b), as so redesignated—

7 (A) by striking “and infrastructure protec-
8 tion” and inserting “and intelligence”; and

9 (B) by striking “the Under Secretary for
10 Information Analysis and Infrastructure Pro-
11 tection” and inserting “the Under Secretary for
12 Intelligence and Analysis”;

13 (4) in subsection (c), as so redesignated—

14 (A) by striking “the Under Secretary for
15 Information Analysis and Infrastructure Pro-
16 tection” and inserting “the Under Secretary for
17 Intelligence Analysis”;

18 (B) by striking paragraphs (2), (5), and
19 (6), and redesignating paragraphs (3) through
20 (19) as paragraphs (2) through (16), respec-
21 tively;

22 (C) in paragraph (2), as so redesignated,
23 by striking “To integrate” and inserting “To
24 participate in the integration of”; and

1 (D) in paragraph (14), as so redesignated,
2 by inserting “the Assistant Secretary for Infra-
3 structure Protection and” after “coordinate
4 with”;

5 (5) in subsections (d) and (e), as redesignated
6 by subsection (a)(2), by striking “Directorate” each
7 place it appears and inserting “Office”; and

8 (6) in subsection (f), as redesignated by sub-
9 section (a)(2), by striking “, for assignment to the
10 Under Secretary for Information Analysis and Infra-
11 structure Protection under this section,”.

12 (b) TECHNICAL AND CONFORMING AMENDMENTS.—

13 (1) HOMELAND SECURITY ACT OF 2002.—The
14 Homeland Security Act of 2002 is amended—

15 (A) in section 103(a)(2) (6 U.S.C.
16 113(a)(2)), by striking “Information Analysis
17 and Infrastructure Protection” and inserting
18 “Intelligence and Analysis”;

19 (B) in section 223 (6 U.S.C. 123), by
20 striking “Under Secretary for Information
21 Analysis and Infrastructure Protection” and in-
22 serting “Assistant Secretary for Infrastructure
23 Protection”;

24 (C) in section 224 (6 U.S.C. 144), by
25 striking “Under Secretary for Information

Analysis and Infrastructure Protection” and inserting “Assistant Secretary for Cybersecurity and Telecommunications”; and

(D) in section 302(3) (6 U.S.C. 182(3)), by striking “Under Secretary for Information Analysis and Infrastructure Protection” and inserting “Under Secretary for Intelligence and Analysis and the Assistant Secretary for Infrastructure Protection”.

(2) SECTION 201.—

(A) The heading for section 201 of the Homeland Security Act of 2002 (6 U.S.C. 121) is amended to read as follows:

“SEC. 201. OFFICE OF INTELLIGENCE AND ANALYSIS.”.

(B) The table of contents in section 1(b) of such Act is amended by striking the item relating to section 201 and inserting the following:

“Sec. 201. Office of Intelligence and Analysis.”.

(C) The heading for subsection (a) of section 201 of such Act (6 U.S.C. 121) is amended to read as follows: “UNDER SECRETARY OF HOMELAND SECURITY FOR INTELLIGENCE AND ANALYSIS.—”.

(D) The heading for subsection (b) of section 201 of such Act (6 U.S.C. 121), as redesignated by subsection (a)(2) of this section, is

1 amended to read as follows: “DISCHARGE OF
2 INTELLIGENCE AND ANALYSIS.—”.

3 (3) NATIONAL SECURITY ACT OF 1947.—Section
4 106(b)(2)(I) of the National Security Act of 1947
5 (50 U.S.C. 403–6(b)(2)(I)) is amended to read as
6 follows:

7 “(I) the Under Secretary of Homeland Security
8 for Intelligence and Analysis.”.

9 (4) INTELLIGENCE REFORM AND TERRORISM
10 PREVENTION ACT OF 2004.—Section 7306(a)(1) of
11 the Intelligence Reform and Terrorism Prevention
12 Act of 2004 (Public Law 108–458; 118 Stat. 3848)
13 is amended by striking “Under Secretary for Infor-
14 mation Analysis and Infrastructure Protection” and
15 inserting “Under Secretary for Intelligence and
16 Analysis”.

17 **SEC. 107. NATIONAL ACADEMY OF PUBLIC ADMINISTRA-**
18 **TION STUDY ON IMPLEMENTATION OF ORGA-**
19 **NIZATIONAL REFORMS.**

20 (a) STUDY REQUIRED.—Subject to the availability of
21 appropriations, the Secretary of Homeland Security shall
22 enter into an arrangement with the National Academy of
23 Public Administration to conduct a study of the implemen-
24 tation of the organizational changes to the Department
25 of Homeland Security made by this Act and the amend-

1 ments made by this Act. Under the arrangement, the
2 Academy shall provide assistance in the creation and im-
3 plementation of the Directorate of Emergency Manage-
4 ment.

5 (b) DEADLINE FOR BEGINNING OF STUDY.—The
6 study required under this section shall begin not later than
7 two months after the date of the enactment of this Act.

8 (c) TERMINATION.—The study required under this
9 section shall end not later than the date that is one year
10 after the date of the enactment of this Act.

11 **SEC. 108. GAO REPORTS ON AN INVENTORY AND STATUS OF**
12 **HOMELAND SECURITY TRAINING.**

13 (a) INITIAL REPORT REQUIRED.—Not later than 60
14 days after the date of the enactment of this Act, the
15 Comptroller General shall submit to Congress an initial
16 report on the overall inventory and status of training pro-
17 grams for emergency response providers in the Depart-
18 ment of Homeland Security and other Federal depart-
19 ments and agencies and the extent to which such pro-
20 grams are coordinated.

21 (b) FINAL REPORT REQUIRED.—Not later than 120
22 days after the date of the enactment of this Act, the
23 Comptroller General shall submit to Congress a final re-
24 port on homeland security training that includes the fol-
25 lowing:

1 (1) An assessment of the effectiveness of the
2 structure and organization of training programs for
3 emergency response providers in the Department of
4 Homeland Security and other Federal departments
5 and agencies.

6 (2) Recommendations to—

7 (A) improve the coordination, structure,
8 and organization of such training programs;
9 and

10 (B) increase the availability of training to
11 emergency response providers who are not able
12 to attend centralized training programs.

13 (3) A description of the structure and organiza-
14 tional effectiveness of such programs for emergency
15 response providers in rural communities.

16 (4) An identification of any duplication or re-
17 dundancy among such programs.

18 (5) A description of the use of State and local
19 training institutions, universities, centers, the Na-
20 tional Domestic Preparedness Consortium, and other
21 national training programs funded by the Depart-
22 ment of Homeland Security, in designing and pro-
23 viding training.

1 (6) A cost-benefit analysis of the costs and time
2 required for emergency response providers to partici-
3 pate in training courses at Federal institutions.

4 (7) An assessment of the approval process for
5 certifying training courses that are not administered
6 by the Department of Homeland Security and that
7 are useful for anti-terrorism purposes and eligible
8 for grants awarded by the Department.

9 (8) A description of the use of Department of
10 Homeland Security grant funds by State, local, and
11 tribal governments to acquire training.

12 (9) An analysis of the feasibility of Federal,
13 State, local, and tribal government personnel receiv-
14 ing the training that is necessary to adopt the Na-
15 tional Response Plan and the National Incident
16 Management System of the Department of Home-
17 land Security.

18 (10) A description of the role of each training
19 institution within the Department of Homeland Se-
20 curity in the design and implementation of emer-
21 gency preparedness and related training courses for
22 emergency response providers.

23 **SEC. 109. DEFINITIONS.**

24 (a) EXPANSION OF DEFINITION OF EMERGENCY RE-
25 SPONSE PROVIDER.—Paragraph (6) of section 2 of the

1 Homeland Security Act of 2002 (6 U.S.C. 101(6)) is
2 amended by striking “includes” and all that follows and
3 inserting “includes Federal, State, and local governmental
4 and nongovernmental emergency public safety, law en-
5 forcement, fire, emergency response, emergency medical
6 (including hospital emergency facilities), and related per-
7 sonnel, organizations, agencies, and authorities.”.

8 (b) NEW DEFINITIONS.—Such section is further
9 amended by adding at the end the following new para-
10 graphs:

11 “(17) The term ‘emergency management’ refers
12 to the governmental function that coordinates and
13 integrates all activities necessary to build, sustain,
14 and improve the capability to prepare for, respond
15 to, mitigate against, or recover from a threatened or
16 actual act of terrorism, natural disaster, or other
17 emergency.

18 “(18) The term ‘prevention’ means any activity
19 undertaken to avoid, prevent, or stop a threatened
20 or actual act of terrorism.

21 “(19) The term ‘emergency response support
22 providers’ includes Federal, State, and local govern-
23 mental and nongovernmental utilities, public works,
24 transportation, and public health and related per-
25 sonnel, organizations, agencies, and authorities.”.

1 **SEC. 110. CONFORMING AMENDMENTS.**

2 (a) REPEALS.—The following provisions of the
3 Homeland Security Act of 2002 are repealed:

4 (1) Section 430.

5 (2) Subtitle A of title VIII.

6 (3) Section 882.

7 (b) OTHER CONFORMING AMENDMENTS.—

8 (1) UNDER SECRETARY.—Section 103(a) is
9 amended—

10 (A) in paragraph (5), by striking “Pre-
11 paredness and Response” and inserting “Man-
12 agement”; and

13 (B) by striking paragraph (7) and redesign-
14 ating paragraphs (8) through (10) as para-
15 graphs (7) through (9), respectively.

16 (2) INCREASE IN NUMBER OF ASSISTANT SEC-
17 RETARIES.—Section 103(a)(9) of such Act, as redes-
18 igned by paragraph (1)(B), is amended by striking
19 “12” and inserting “17”.

20 **TITLE II—FRAUD, WASTE, AND**
21 **ABUSE PREVENTION**

22 **SEC. 201. FRAUD, WASTE, AND ABUSE CONTROLS.**

23 (a) IN GENERAL.—Title VII of the Homeland Secu-
24 rity Act of 2002 (6 U.S.C. 341 et seq.) is amended by
25 adding at the end the following:

1 **“SEC. 707. FRAUD, WASTE, AND ABUSE CONTROLS.**

2 “(a) IN GENERAL.—The Secretary, acting through
3 the Under Secretary for Emergency Management, shall
4 ensure that—

5 “(1) all programs within the Directorate admin-
6 istering Federal assistance develop and maintain
7 proper internal management controls to prevent and
8 detect fraud, waste, and abuse;

9 “(2) application databases used by the Direc-
10 torate to collect information on eligible recipients
11 must record disbursements;

12 “(3) such tracking is designed to highlight and
13 identify ineligible applications; and

14 “(4) the databases used to collect information
15 from applications for such assistance must be inte-
16 grated with the disbursements and payment records.

17 “(b) AUDITS AND REVIEWS REQUIRED.—The Sec-
18 retary shall ensure that any existing database or similar
19 application processing system in effect on the date of the
20 enactment of this section for Federal assistance programs
21 administered by the Department undergo a review by the
22 Inspector General of the Department to determine the ex-
23 istence and implementation of such internal controls re-
24 quired under this section, before such database application
25 may be used to determine eligibility and disbursement of
26 Federal assistance.

1 “(c) CERTIFICATION REQUIRED.—The Secretary,
 2 acting through the Under Secretary for Emergency Man-
 3 agement, shall certify to the Congress on an annual basis
 4 that proper internal controls required under this section
 5 are in place and operational before a database or similar
 6 application processing system may be utilized for the pur-
 7 pose of the dispensing of Federal assistance.

8 “(d) REPORT TO CONGRESS.—Recommendations or
 9 findings that remain unresolved between program admin-
 10 istrators and the Department Inspector General for 30
 11 days must be immediately reported to Congress by the De-
 12 partment Inspector General.”.

13 (b) CLERICAL AMENDMENT.—The table of contents
 14 in section 1(b) of such Act is amended by inserting after
 15 the item related to section 706 the following:

“Sec. 707. Fraud, waste, and abuse controls.”.

16 **SEC. 202. ASSESSMENT AND REPORT REGARDING UTILIZA-**
 17 **TION OF INDEPENDENT PRIVATE SECTOR IN-**
 18 **SPECTORS GENERAL.**

19 (a) IN GENERAL.—The Under Secretary for Emer-
 20 gency Management of the Department of Homeland Secu-
 21 rity, in consultation with the Under Secretary for Manage-
 22 ment, shall—

23 (1) assess the role that Independent Private
 24 Sector Inspectors General (popularly known as
 25 “IPSIGs”) played in preventing waste, fraud, and

1 abuse, in contracts for goods or services purchased
2 or commissioned after the terrorist attacks on the
3 World Trade Center in New York City on September
4 11, 2001; and

5 (2) report the findings of such assessment to
6 Congress by not later than one year after the date
7 of enactment of this Act.

8 (b) UTILIZATION OF IPSIGS TO MONITOR AND PRO-
9 VIDE GREATER ACCOUNTABILITY.—Such assessment
10 shall include examination of how IPSIGs may be utilized
11 to monitor and provide greater accountability for contracts
12 using Federal funding provided in response to a terrorist
13 attack, natural disaster, or other national emergency, in-
14 cluding contracts for debris removal and the repair or re-
15 construction of damaged infrastructure.

16 **SEC. 203. ENHANCED ACCOUNTABILITY FOR FEDERAL AS-**
17 **SISTANCE.**

18 (a) IN GENERAL.—The Homeland Security Act of
19 2002 is amended by inserting after section 856 (6 U.S.C.
20 426) the following:

21 **“SEC. 856a. ENHANCED ACCOUNTABILITY FOR FEDERAL AS-**
22 **SISTANCE.**

23 **“(a) RECIPIENTS OF FEDERAL ASSISTANCE.—**

24 **“(1) IN GENERAL.—**Each State, local, tribal,
25 and non-profit entity that receives Federal assist-

1 ance funds in response to acts of terrorism, natural
2 disasters, or other emergencies shall report to the
3 pertinent Federal agency six months after the initial
4 disbursement of resources regarding the expenditure
5 of such funds.

6 “(2) CONTENTS.—The report shall include a
7 description of—

8 “(A) the projects or programs that re-
9 ceived Federal assistance;

10 “(B) the entity administering the program
11 or project; and

12 “(C) the dates and amounts disbursed, al-
13 located, and expended.

14 “(b) FEDERAL ASSISTANCE DISBURSING AGEN-
15 CIES.—

16 “(1) IN GENERAL.—Each Federal agency that
17 disburses Federal assistance funds in response to an
18 act of terrorism, a natural disaster, or another emer-
19 gency shall report to the Inspector General of the
20 Department, acting in the Inspector General’s role
21 as chairman of the President’s Council on Integrity
22 and Efficiency Homeland Security Roundtable, re-
23 garding the expenditure of such funds.

24 “(2) CONTENTS.—The report shall include—

1 “(A) names and addresses of recipient
2 agencies;

3 “(B) the purpose for which resources were
4 provided;

5 “(C) the amounts disbursed, allocated, and
6 expended; and

7 “(D) the status of reporting by agencies
8 that received disbursements (as set forth under
9 subparagraph (A)).

10 “(3) DEADLINE.—The report shall be sub-
11 mitted one year after the date of enactment of the
12 appropriations Act that makes the funds available,
13 and on a recurrent basis every six months thereafter
14 until such time as all such funds are expended or
15 the Inspector General and such Council determine
16 that such reports are no longer required.”.

17 (b) CLERICAL AMENDMENT.—The table of contents
18 in section 1(b) of such Act is amended by inserting after
19 the item related to section 856 the following:

“Sec. 856a. Enhanced accountability for Federal assistance.”.

20 **SEC. 204. ENHANCED INFORMATION SHARING AMONG FED-**
21 **ERAL AGENCIES TO PREVENT FRAUD, WASTE,**
22 **AND ABUSE.**

23 (a) IN GENERAL.—The Homeland Security Act of
24 2002 is further amended by inserting after section 856a
25 the following:

1 **“SEC. 856b. ENHANCED INFORMATION SHARING AMONG**
2 **FEDERAL AGENCIES TO PREVENT FRAUD,**
3 **WASTE, AND ABUSE.**

4 “(a) CONFIRMATION OF IDENTITY AND ELIGIBILITY
5 OF APPLICANTS.—Any Federal, State, local, or tribal
6 agency that disburses Federal grants, loans, services, and
7 other assistance in response to or for the recovery from
8 acts of terrorism, natural disasters, or other emergencies,
9 shall make reasonable efforts to confirm the identity and
10 eligibility of the applicant for such assistance without plac-
11 ing undue burden on the applicant.

12 “(b) CONSENT TO ACCESS.—

13 “(1) INCLUSION ON APPLICATION MATE-
14 RIALS.—The Federal, State, local, or tribal agency
15 may include provisions on application materials for
16 grants, loans, services, and other assistance that
17 would allow access to Internal Revenue Service in-
18 formation (IRS Form 8821 Tax Information Au-
19 thorization) and other relevant Federal databases, to
20 allow government agencies to share information and
21 enhance the accuracy and expedite the delivery of
22 assistance to applicants.

23 “(2) CONSENT NOT REQUIRED.—Any applicant
24 who declines to consent to the sharing of such infor-
25 mation shall not be denied assistance or otherwise
26 penalized for that reason.”.

1 (b) CLERICAL AMENDMENT.—The table of contents
 2 in section 1(b) of such Act is further amended by inserting
 3 after the item related to section 856a the following:

“Sec. 856b. Enhanced information sharing among Federal agencies to prevent
 fraud, waste, and abuse. ”.

4 **SEC. 205. DEPUTY INSPECTOR GENERAL FOR RESPONSE**
 5 **AND RECOVERY.**

6 (a) IN GENERAL.—Subtitle B of title VIII of the
 7 Homeland Security Act of 2002 (6 U.S.C. 371) is amend-
 8 ed by adding at the end the following:

9 **“SEC. 813. DEPUTY INSPECTOR GENERAL FOR RESPONSE**
 10 **AND RECOVERY.**

11 “(a) ESTABLISHMENT.—There is established the po-
 12 sition of Deputy Inspector General for Response and Re-
 13 covery within the Office of the Inspector General of the
 14 Department.

15 “(b) APPOINTMENT.—The Deputy Inspector General
 16 shall be appointed—

17 “(1) by the Inspector General of the Depart-
 18 ment; and

19 “(2) solely on the basis of integrity and dem-
 20 onstrated ability in accounting, auditing, financial
 21 analysis, law, management analysis, public adminis-
 22 tration, or investigations.

23 “(c) REPORTING AND STATUS AS SES POSITION.—
 24 The Deputy Inspector General—

1 “(1) shall report to, and be under the direct au-
2 thority and supervision of, the Inspector General;
3 and

4 “(2) the Deputy Inspector General shall serve
5 as a career member of the Senior Executive Service.

6 “(d) DUTIES.—

7 “(1) AUDITS AND INVESTIGATIONS.—The dep-
8 uty Inspector General shall, in coordination with in-
9 spectors general of other departments, as appro-
10 pate, conduct, supervise, and coordinate audits and
11 investigations of the treatment, handling, and ex-
12 penditure of amounts appropriated or otherwise
13 made available for response to and recovery from an
14 act of terrorism, natural disaster, or other emer-
15 gency by the Federal Government, and of the pro-
16 grams, operations, and contracts carried out uti-
17 lizing such funds, including—

18 “(A) the oversight and accounting of the
19 obligation and expenditure of such funds;

20 “(B) the monitoring and review of recon-
21 struction activities funded by such funds;

22 “(C) the monitoring and review of con-
23 tracts by such funds;

24 “(D) the monitoring and review of the
25 transfer of such funds and associated informa-

1 tion between and among departments, agencies,
2 and entities of the United States, and private
3 nongovernmental entities; and

4 “(E) the maintenance of records on the
5 use of such funds to facilitate future audits and
6 investigations of such funds.

7 “(2) FRAUD TIP LINE.—The Deputy Inspector
8 General shall ensure that not more than 48 hours
9 after a terrorist attack, natural disaster, or other
10 national emergency, the Office of the Inspector Gen-
11 eral institutes and publicizes a Fraud Tip Line to
12 facilitate the collection of allegations of waste, fraud,
13 and abuse of Federal assistance funds.

14 “(3) AVOIDANCE OF DUPLICATION.—The Dep-
15 uty Inspector General shall ensure, to the greatest
16 extent possible, that the activities of the Deputy In-
17 spector General do not duplicate audits and inves-
18 tigations of Inspectors General and other auditors of
19 Federal departments and agencies, and State and
20 local government entities.

21 “(4) COORDINATION WITH FBI.—The Deputy
22 Inspector General shall ensure that investigative ac-
23 tivities under this section are coordinated with the
24 Federal Bureau of Investigation.

1 “(e) FINANCIAL MANAGEMENT MATTERS.—In order
 2 to assist the Deputy Inspector General for the purposes
 3 of carrying out this section, all agencies receiving or dis-
 4 tributing Federal funds to respond to acts of terrorism,
 5 natural disasters, or other emergencies shall establish and
 6 maintain budgetary procedures to distinguish funds re-
 7 lated to response and relief efforts from other agency
 8 funds.

9 “(f) FUNDING.—There is authorized to be appro-
 10 priated for operations of the Office of the Deputy Inspec-
 11 tor General \$11,000,000 for each fiscal year.”.

12 (b) CLERICAL AMENDMENT.—The table of contents
 13 in section 1(b) of such Act is further amended by inserting
 14 after the item related to section 812 the following:

“Sec. 813. Deputy Inspector General for Response and Recovery.”.

15 (c) DEADLINE FOR APPOINTMENT.—The Inspector
 16 General of the Department of Homeland Security shall ap-
 17 point the Deputy Inspector General under this section not
 18 later than 60 days after the date of enactment of this Act.

19 **SEC. 206. PROTECTION OF DEPARTMENT OF HOMELAND**
 20 **SECURITY OFFICIAL SEAL AND INSIGNIA.**

21 Section 875 of the Homeland Security Act of 2002
 22 (6 U.S.C. 455) is amended by adding at the end the fol-
 23 lowing new subsection:

24 “(d) PROTECTION OF NAME, INITIALS, INSIGNIA,
 25 AND SEAL.—

1 “(1) IN GENERAL.—Except with the written
2 permission of the Secretary, no person may know-
3 ingly use, in connection with any advertisement,
4 commercial activity, audiovisual production (includ-
5 ing film or television production), impersonation,
6 Internet domain name, Internet e-mail address, or
7 Internet web site, merchandise, retail product, or so-
8 licitation in a manner reasonably calculated to con-
9 vey the impression that the Department or any orga-
10 nizational element of the Department has approved,
11 endorsed, or authorized such use, any of the fol-
12 lowing (or any colorable imitation thereof):

13 “(A) The words ‘Department of Homeland
14 Security’, the initials ‘DHS’, the insignia or
15 seal of the Department, or the title ‘Secretary
16 of Homeland Security’.

17 “(B) The name, initials, insignia, or seal of
18 any organizational element (including any
19 former such element) of the Department, or the
20 title of any other officer or employee of the De-
21 partment, notice of which has been published by
22 the Secretary of Homeland Security in accord-
23 ance with paragraph (3).

24 “(2) CIVIL ACTION.—Whenever it appears to
25 the Attorney General that any person is engaged or

1 is about to engage in an act or practice that con-
2 stitutes or will constitute conduct prohibited by sub-
3 section (d)(1), the Attorney General may initiate a
4 civil proceeding in a district court of the United
5 States to enjoin such act or practice. Such court
6 shall proceed as soon as practicable to the hearing
7 and determination of such action and may, at any
8 time before final determination, enter such restrain-
9 ing orders or prohibitions, or take such other actions
10 as is warranted, to prevent injury to the United
11 States or to any person or class of persons for whose
12 protection the action is brought.

13 “(3) NOTICE AND PUBLICATION.—The notice
14 and publication to which paragraph (1)(B) refers is
15 a notice published in the Federal Register including
16 the name, initials, seal or class of titles protected
17 under paragraph (1)(B) and a statement that they
18 are protected under that provision. The Secretary
19 may amend such notices from time to time as the
20 Secretary determines appropriate in the public inter-
21 est and shall publish such amendments in the Fed-
22 eral Register.

23 “(4) AUDIOVISUAL PRODUCTION.—For the pur-
24 pose of this subsection, the term ‘audiovisual pro-
25 duction’ means the production of a work that con-

1 sists of a series of related images that are intrinsi-
2 cally intended to be shown by the use of machines
3 or devices such as projectors, viewers, or electronic
4 equipment, together with accompanying sounds, if
5 any, regardless of the nature of the material objects,
6 such as films or tapes, in which the work is em-
7 bodied.”.

